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A

COMPLETE COLLECTION

OF

State Trials

AND

PROCEEDINGS FOR HIGH TREASON AND OTHER CRIMES AND MISDEMEANORS

FROM THE

EARLIEST PERIOD TO THE YEAR 1783,

WITH NOTES AND OTHER ILLUSTRATIONS:

COMPILED BY

T. B. HOWELL, Esq. F.R.S. F.S.A.

INCLUDING,

IN ADDITION TO THE WHOLE OF THE MATTER CONTAINED IN THE

FOLIO EDITION OF HARGRAVE,

UPWARDS OF TWO HUNDRED CASES NEVER BEFORE COLLECTED;

TO WHICH IS SUBJOINED

A TABLE OF PARALLEL REFERENCE,

RENDERING THIS EDITION APPLICABLE TO THOSE BOOKS OF AUTHORITY IN WHICH REFERENCES ARE MADE TO THE FOLIO EDITION.

IN TWENTY-ONE VOLUMES.

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State Trials.

PREFACES,

&c.

MR. SALMON'S PREFACE

TO THE FIRST EDITION OF THE STATE TRIALS, IN FOUR VOLUMES FOLIO: PRINTED IN THE YEAR 1719.

SINCE 'tis observable that the best and bravest of mankind are far from being exempted from Criminal Prosecutions, and that potent malice, or prevailing faction, have too often attempted the most consummate merit; that Learning which shews how life, honour, and innocence are to be defended, when they shall happen to be injuriously attack'd, will not, 'tis presum'd, be thought inferior to that, which instructs us how to defend our less important rights.—And as the Common Law is nothing else but immemorial Custom, and the custom and methods of Trial, and bringing offenders to Punishment, is no inconsiderable branch of that law; and since these, as other Customs, are only to be collected from former Precedents, 'tis something strange, that amongst the numerous Authors of Reports and Institutes, not one has hitherto thought fit to make any considerable Collection of this kind, or thorowly to methodize or digest this sort of Learning: nor can any probable reason be assign'd for this neglect, unless they have been deterr'd by the vast trouble and expence it must have been to any private undertaker.—As to the Crown Law already extant, 'tis so far from being a compleat Direction, even in the most ordinary Trials, that it affords little more than some imperfect Hints of what the Authors intended. And as to the Doctrine of Impeachments, Trials of Peers by Commission, or in Parliament, Bills of Attainder, and the Customs and Usage of Parliaments, in relation to these Matters: this is a Learning that remains entirely untouch'd, and is only to be collected from Precedents of this nature.

The Undertakers of this Work therefore have spar'd no pains or expence to procure whatever is valuable of this kind: they have had recourse to every library public and private, where they had intimation there was any thing worth inserting; and they have for some time since offer'd large encouragement to those who should contribute either Manuscripts or printed Trials, towards rendering the Design compleat. And having at length finish'd their Collection, they have added a Table to the whole, wherein all the various Learning the Work contains is reduc'd under proper Heads. And that which before lay dispers'd in many Volumes, very difficult to be obtain'd, and several valuable Manuscripts that have been perfectly buried in private hands, are here brought to light; and so dispos'd, that the studious Reader may make himself master of the subject, with much less labour and expence than has hitherto been requisite.

And as to the Manuscripts, such care has been taken to avoid all mistakes, that the Judges and Counsel, who were concern'd in such Trials, and are still living, have been attended with their respective Arguments, and have been pleased so far to encourage the Undertaking, as to correct whatever was amiss.

Nor are the Publishers conscious they have omitted one remarkable Trial that could possibly be obtain'd, unless that of Mr. Hampden in the Case of Ship-Money, and that of my lord Strafford; both which being to be found in Mr. Rushworth, are already in the hands of most gentlemen, who are suppos'd to purchase these: and the inserting them could be of no other use than to increase the bulk, and enhance the price of the Book. There is indeed another Account of my lord Strafford's Trial, which differs in some instances from Mr. Rushworth's, and is more concise; and this it has been thought proper to insert.

And as the Union of the two kingdoms of England and Scotland is so near compleated, and there remains little else to distinguish us at present but the municipal laws of the respective kingdoms, it has been thought advisable to add some remarkable Scots Trials: in which (to do that nation right) are discovered great learning, eloquence, and strong reasoning. And indeed as the Civil Law prevails very much there, they have at least as large a field to exercise their parts and learning as our more Southern orators, who are so unalterably attach'd to their Common Law; and it must be admitted, that the Party accus'd has in Scotland all the fair play imaginable: he has what Counsel he thinks fit; he has a Copy of his Charge in his own language; his Counsel are permitted to inspect the very Depositions against him before he is brought to Trial; and they are so little in haste to dispatch a State-Prisoner, that the Trial often lasts some months. This specimen of Scots Trials, as it will at present be acceptable to the curious; so as we have one Senate, and one Legislature, it may hereafter give birth to the introducing such Methods of Trial in each kingdom, as in either shall appear to be founded on the greatest reason and justice.

As to any Partiality in this Undertaking, it seems almost needless to disclaim it; for the Reader has the Evidence and Arguments entire, without any alteration or diminution. It is true, as it falls out in History, so it will do here: the farther we search into Antiquity, and the higher we go, the less perfect will our Accounts be; the same exactness cannot be expected there as in Trials of a more modern date: but thus much may be said for the more antient Trials, that they are the most perfect and compleat that could possibly be procur'd.—We shall detain the Reader no longer than to observe, that this Collection will not only be useful to the Learned in the Law, and to those whose misfortune it may be to fall under a criminal Prosecution, but in many instances it corrects as well as illustrates our English History: and there is scarce a controverted point in Divinity or Politics, but the Reader will find has been fully debated here by the greatest men our nation has bred. And if Justness of Argument and true Eloquence have any attraction, and these are talents worth improving, here will be found the greatest collection of fine Speeches, and Arguments, on the most important subjects, that have hitherto been exhibited to the world.

MR. SALMON'S PREFACE

TO THE

CASE OF SHIP-MONEY,

WHICH WAS PRINTED IN A SEPARATE VOLUME, BY WAY OF SUPPLEMENT TO THE FIRST EDITION.

THE Collection of STATE TRIALS in four Volumes in Folio, being a Work very useful and necessary, to make it more complete, it was thought fitting (at the desire of several persons of eminency and distinction in the law) to add to it the remarkable Trial of Mr. Hampden, in the Great Case of Ship-Money (between his majesty king Charles I. and that gentleman). For that reason therefore we caused it to be printed of the same size, and on the same paper: tho' it would have been inserted in the Collection, could the Proprietors of this Copy have been prevailed upon to have parted with their property to the Undertakers, on their terms, which were very unreasonable. It is true, there are some of the Speeches in Rushworth, (a Book very scarce, and in few hands) but then their number is very small, and without the Records and other material Process herein contained, which are carefully printed from such authentic Manuscripts, that envy itself cannot detract from their intrinsic worth and value: and those who would vainly endeavour to impose on mankind, That this Trial is in Rushworth, not only discover their ignorance, but shew themselves guilty of most scandalous and invidious reflections.

We shall therefore say nothing of the excellency of this Work, which is so useful for all English gentlemen in general, as well as for those of the Long Robe in particular; those who will take the pains to peruse it, will be convinced of this truth. The Twelve Judges, before whom this Case was argued in the Exchequer-Chamber, and the Council on both sides unanimously agreed, that no Case like this ever was argued in any Court of Judicature; they all declared it to be a matter of the highest concern and importance, and there was such a multitude of Cases, Precedents, and Records (above three hundred) quoted on both sides, and so many excellent Arguments made, of the greatest Learning, that the whole would seem almost incredible, but to those who will read them with attention.

How this Great Case went is well known to every one who has the least acquaintance with History; the Times were then troublesome, and some people took hence occasion to blow up the coals of dissension, which at last broke out into that dreadful conflagration, as ended in the destruction of an Unfortunate Monarch, and compleated the ruin of the best Constitution in the world. All the Judges (long before this Case was argued in the Exchequer-Chamber) gave their opinions in writing under their hands for the King; but whether, in this Affair, those sages in the law acted like Faithful Counsellors, must be left to the learned in that profession to determine. Every man will think as he is inclined; however, most certainly, it is of the greatest concernment and importance, for a Prince to have about him Faithful Counsellors; for after all, let them be never so wise, good, and just, it is an undoubted truth, that Princes see with others eyes, and hear with others ears.

MR. EMLYN'S PREFACE

TO THE SECOND EDITION OF THE STATE TRIALS, IN SIX VOLUMES FOLIO: PRINTED IN THE YEAR 1730.

THE favourable reception which the First Impression of this Work has met with from the Public, is a sufficient recommendation of it in general; but perhaps it may not be unacceptable to the Reader to point out some of the particular Uses and Advantages of it.

The usefulness of the work to the Study of the Law,

Collections are chiefly intended for the preservation of separate Pieces, which by being scattered up and down, are often in length of time either quite lost, or hard to be come at: this, indeed, is a care not worth bestowing on those which are of little or no use; but the Pieces here preserv'd are evidently such, as a Collection of them must appear at first sight very beneficial to all studious inquirers into the Laws of this nation, especially into that principal branch of them, which concerns the Life and Liberty of the Subject: for since the Laws of England are in a great measure grounded upon immemorial Customs and Usages, the Precedents and Examples of former times must be singularly useful, if not absolutely necessary to a right understanding of them.—And tho' Criminal Cases do very much depend upon Statute Law, either the Crimes themselves, or the Punishments of them, being for the most part declar'd by act of parliament: yet the Method of Practice in the Trials of those Crimes is in the main govern'd by Common Law rules, and consequently not to be known, but by the Usage in former cases: and even in those instances, which fall under the direction of the Statute Law, the best Expositor of those Statutes is the constant received Practice, ever since they were made, *optima legum interpres consuetudo.* (a)

History,

The Professors and Students of the Law will not be the only persons, who may receive benefit from this Work: here will be matter also of Instruction and Entertainment to all who are delighted with History, or inquisitive after the transactions of the former or present times; many parts of History will here be illustrated and set in a true light; the Reader may here see, as it were, with his own eyes, not needing to trust to the representations of others, which are often full of partiality or prejudice, according to the party and disposition of the Historians. But the nature of this Work admits not of such turns and disguises, as other general accounts are but too justly chargeable with; the following Trials being plain Narrations of Sayings and Facts, for the most part published by Authority of the respective Courts, or by indifferent Hands; where it happens to be otherwise, the Reader is informed of it in the Title at the Head of the Trial.

And Eloquence.

Such as are taken with fluency of Style, or luxuriancy of Fancy, may here be entertain'd with a variety of eloquent Speeches and learned Arguments on many very important subjects; tho' it must be own'd, intermixed with some others, which do not altogether deserve that character.

And since Scotland is now become a part of this Kingdom, it has been thought proper to insert some of the Proceedings in that country, in which (to do that Nation right) are discovered great learning and eloquence:

(a) 4 Co. Instit. 75.

and it must be admitted, that very considerable advantages are there allowed to the Prisoner, which we in England do not enjoy; he has what Counsel he thinks fit, and a Copy of the Charge in his own language; his Counsel are permitted to inspect the Depositions against him before he is brought to his Trial; and they are so little in haste to dispatch a State-Prisoner, that the Trial often lasts some months.

To form a right character of the Judges.

Another Use of this Work, will be the doing justice to those Judges and Counsel, who respectively presided or practis'd at these Trials: the Names of such as behav'd impartially on the Bench, without prejudicing the rightful Prerogatives of the Crown on the one hand, or betraying the legal Privileges of the Subject on the other; without bearing hard upon the Innocent, or shewing any unallowable favour to the Guilty, will by this means be remember'd with honour, and left upon record to their lasting praise and commendation.

But it has not always been the good fortune of England to have the Bench adorn'd with such excellent persons; the Reader will in the course of these Trials light upon certain periods, wherein the Judges, who ought by the duty of their place to be the great Barrier, and to act impartially between Prince and People, have notwithstanding deliver'd Opinions in direct contradiction to the known fundamental Laws of the nation, and as far as in them lay, sacrificed the Constitution and Liberties of the kingdom to the pride and ambition of an arbitrary monarch. This generally ended in the downfall of such Judges, and the Ministers, whose tools they were; the Politics of those times not being arrived at that height, to know how to influence the representative Body of the Nation: for what need could Ministers have to corrupt the Interpreters of the Law, if the Makers of it were intirely at their devotion?

Others there have been, (as the Reader will have too frequent occasion to remark) who regardless of Right and Wrong, and all the solemn Oaths they had sworn, have under colour of Law, but yet in open defiance of natural Justice, made no scruple to murder the Innocent, and by foul unwarrantable practices to acquit the Guilty, just as they received their directions from, or thought it would be best pleasing to those above them: to such a monstrous pitch of bare-faced iniquity were they arrived, that they stuck not to determine the same Point different ways at different times, making the Law a mere nose of wax, but usually turning it to the destruction of the person tried before them *(b)*. These Volumes will impartially transmit their memory to posterity, with that reproach and infamy, so deservedly attendant upon Traitors and Murderers; and this not by general characters, which are scarce to be rely'd on, being oft according to the inclinations of the Writer, but by real Facts; their Behaviour will here appear just as it was, in its own true colours: by which the Reader, without the help of names, will easily distinguish the calm and sedate Judge, willing to hear and receive right Information, and desirous to determine according to Truth and Justice, from the hectoring bully, who, without any regard to the decency of his character, uses his authority to no other end, than to silence Reason and Truth, and by blustering and clamour to worry the Innocent to death.

And Counsel.

The like Distinction will readily occur with respect to those, whose Office was at the Bar. Some he will find, pressing nothing illegal against the Prisoner, nothing hard and unreasonable (however in strictness legal) using no artifices to deprive him of his just Defence, treating his Witnesses with decency and candour; being not so intent upon convicting the Prisoner, as upon discovering Truth, and bringing real Offenders to Justice; looking upon themselves, according to that famous Saying of queen Elizabeth, not so much retained *pro Domina Regina*, as *pro Domina Veritate (c)*.

(b) Sir John Hawles's Remarks on the Trial of Charles Bateman.
(c) 3 Co. Instit. 79.

These will appear in a different light from others, who with rude and boisterous language abuse and revile the unfortunate Prisoner; who stick not to take all advantages of him, however hard and unjust, which either his ignorance, or the strict rigour of Law may give them; who by force or stratagem endeavour to disable him from making his Defence; who brow-beat his Witnesses as soon as they appear, tho' ever so willing to declare the whole truth; and do all they can to put them out of countenance, and confound them in delivering their Evidence: as if it were the duty of their place to convict all who are brought to Trial, right or wrong, guilty or not guilty; and as if they, above all others, had a peculiar dispensation from the obligations of Truth and Justice. Such methods as these should be below men of honour, not to say men of conscience: yet in the perusal of this Work, such persons will too often arise to view; and I could wish for the credit of the Law, that that great Oracle of it, the Lord Chief Justice Coke, *(d)* had given less reason to be numbered among this sort.

The Gentlemen of that Profession, whether imploy'd in criminal Prosecutions or civil Actions, are not to blame for doing their best in sifting out the Truth, and making all just Observations in favour of their Clients; yet if after having done so, they should at last find the merits of the Cause to lie on the other side, I am sure it would be no disparagement to them to desist from attempting any thing to the prejudice of Truth and Justice: for how just and reasonable soever it may be to undertake the defence of a cause while nothing appears but that it may be right, yet when in the course of the Evidence it proves manifestly otherwise, it is then high time to desert it; for they must needs think, that no Fees or Retainers will be a just Excuse, either in this world or another, for being wilfully instrumental in promoting injustice and wrong: and tho' it be no part of their province to determine either the Law or the Fact, the former of which belongs to the Court, and the latter generally to the Jury; yet if either the one or the other be misled by the artful turns and insinuations of the Pleader, or any material truth suppress'd or misunderstood by his baffling of the Witnesses, the Guilt will and ought to lie at his door.

To shew the excellency of the English laws. (Civil Suits.

A further Advantage of this Collection is, that it will afford frequent opportunities to the careful Reader of observing the excellency of our Laws, and the advantage an Englishman thereby enjoys above his neighbours. When I meet with an Author extolling our laws above those of other countries, and representing us upon that, as well as other accounts, as the envy of all around us, I presume it is meant chiefly with regard to Criminal Procedures: for as to CIVIL SUITS, when I consider the tediousness and delays of such Suits, necessarily arising from our Methods and Forms of Law; the various Offices, and sometimes Courts, they must pass thro', before they are finally decided; the exorbitant Fees to Counsel, whereto the Costs recovered bear no proportion; the duties arising to the crown from many incidents in every cause; and above all the nicety of special Pleadings, whereby the justest cause in the world, after having with great trouble and expense been conducted almost to a period, may thro' the mistake of a letter (often occasioned by an Attorney's Clerk) be irretrievably lost, or at least turned round to begin again, and that not without payment of costs to him, who has all the while been the unjust invader and detainer of another's property: when these things, I say, are considered, it is hard to imagine, that any one can in good earnest believe, we have in this respect any great matter to boast of.

Ecclesiastical Courts.)

Nor can I suppose they are our ECCLESIASTICAL COURTS, which make us the envy of our neighbours: the petty but chargeable Suits, which are

(d) See the Trial of Sir Walter Raleigh, A. D. 1603.

there often instituted to the no small damage of both sides, only to indulge the private passions of those who institute them; the constant practice of denouncing Excommunication for the minutest contempts *(e)*, (a punishment originally designed only for such flagrant vices, as render'd a man unfit for Christian communion, which formerly was greatly dreaded, but is now by these means slighted and despised;) and the pecuniary commutations avowedly permitted for Penances *(f)*, are things, which will not allow me to make any such supposal.

As to Criminal Prosecutions.

The excellency therefore of our Laws above others, I take chiefly to consist in that part of them, which regards CRIMINAL PROSECUTIONS: here indeed it may with great truth and justice be said, That we have by far the better of our neighbours, and are deservedly their admiration and envy.

This might be made to appear in many particulars. In other Countries the Courts of Justice are held in secret; with us publickly *(g)* and in open view: there the Witnesses are examined in private, and in the Prisoner's absence; with us they are produced face to face, and deliver their Evidence in open court, the Prisoner himself being present, and at liberty to cross-examine them: there the Judges determine both Law and Fact; with us, if the Fact be denied by the Prisoner, it must be tried by twelve men of his own rank and condition, *(h)* who are sworn to go according to Truth and Evidence, and are therefore called a Jury; to any of these the Prisoner may except for just cause, and in capital Cases to a large number without cause: and unless this Jury declare him guilty of the Charge, the Judges can proceed no further against him. If the Prisoner be a peer of the land, his Trial on all Indictments for Treason, Felony, or Misprision of either, must be by other peers not fewer than twelve. In other countries, Racks and Instruments of Torture *(i)* are applied to force from the Prisoner a Confession, sometimes of more than is true; but this is a practice which Englishmen are happily unacquainted with, enjoying the benefit of that just and reasonable Maxim, *Nemo tenetur accusare seipsum:* in other countries the Criminals are often executed in private; with us always openly and in public, it being necessary to answer the end of Justice, that a public example be made of Offenders in order to deter others from the like crimes; but where the Trial and Execution are in private, it not only defeats the end of Justice, but affords an opportunity of secretly destroying innocent men, which must needs expose the subject to a variety of fears and dan-

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(e) Cr. Car. 196, 199. Mo. Rep. 540. Latch. 174. 204. *(f)* 2 Co. Inst. 489, 620. 2. Rol. rep. 384. Godolph. Abridg. p. 89. *(g)* 2 Co. Instit. 103. *(h)* Fortescue de Laud. Leg. Angl. cap. 27 & 28. *(i)* Ibid. cap. 22. This was the practice of the antient Civil Law. See the Fragments of Julius Paulus, lib. 5. Sentent. recept. 'Tit. 14. de quæstionibus habendis: Si suspicione aliqua 'reus urgeatur, adhibitis tormentis de sociis et sceleribus suis confiteri compel-'litur:—Reus evidentioribus argumentis oppressus repeti in quæstionem potest, 'maximè, si in tormenta animum corpusque duraverit.'—See also a whole Title in the Digests de quæstionibus, lib. 49. tit. 18. See Instances of those who endured these Tortures in Valer. Max. lib. 3. cap. 3. & lib. 8. cap. 4. But so absurd and unreasonable a practice was this, that even the antients, among whom it was in use, had no good opinion of it, as appears from l. 1. § 23. of the said Title 'de quæstionibus: Res est fragilis, et periculosa, et quæ veritatem fallit; 'nam plerique patientiâ, sive duritiâ tormentorum ita tormentum contemnunt, 'ut exprimi eis veritas nullo modo possit; alii tantâ sunt impatientiâ, ut in quo-'vis mentiri, quam pati tormenta, velint; ita sit, ut etiam vario modo fateantur, 'ut non tantum se, verum etiam alios commineantur. Quintilian. declam. 18. Om-'nium quidem incertorum suspiciones pessimè semper à corporibus incipiunt; 'nec benè de cujusquam moribus illam partem corporis interroges, quæ non 'animo, sed dolore respondet.' See more to this purpose in Montaigne's Essays, Book 2. cap. 5. and Grotius's Letters, Let. 693. wherein he approves the omission of this practice in England.

gers inconsistent with the liberties of a free people.—These are great and noble Privileges, which we may justly value ourselves upon, and should be very unworthy of, if we did not highly prize them.

Particularly in cases of High Treason.

In Cases of High-Treason the English subject has peculiar advantages: This is a Charge of a general nature, and therefore more difficult to make a Defence to *(k)*; it subjects the offender to a severer punishment, than other crimes; the crown is more nearly concerned, by reason whereof the Prisoner has a more powerful adversary to contend with: this is the fatal engine so often employed by corrupt and wicked ministers against the noblest and bravest patriots, whose laudable opposition to their pernicious schemes those ministers are very ready to construe into Treason and Rebellion against the Prince; thereby confounding their own and the Prince's interest together, as if the one could not be opposed without the other. Our ancestors therefore thought this a case, wherein the Subject needed more than ordinary assistance; lest therefore too great a latitude should be left to the arbitrary determinations of a Judge, who is the creature of the crown, they took care to particularize the several species of Treasons by an express law *(l)*: and to guard against all forced constructions and innuendos, it was by the same law farther provided, that all Treason should be proved by some manifest plain act or deed; and that no innocent person might be in danger of suffering thro' the perjury of a single witness, it was afterwards provided *(m)*, that none should be convicted without two positive Witnesses.

And in the provisions for the Liberty of the Subject.

Nor does our Law excel others only in defending the Life of the subject against any injurious attacks, but also in its care and concern for the Liberty and Freedom of his person. How absolute soever the sovereigns of other nations may be, the king of England cannot take up or detain the meanest subject at his mere will and pleasure *(n)*: it is one of the privileges confirmed by Magna Charta *(o)*, that no man shall be restrained of his liberty, but by the law of the land; that is, says lord Coke *(p)*, by Indictment or Presentment of good and lawful men, or by the king's Writs out of his ordinary courts of justice *(q)*, or by lawful Warrant. Now every lawful Warrant *(r)* must be grounded upon oath; must plainly and specially express the cause of commitment *(s)*; must be under the hand and seal of one, who is authorized to do it, expressing his office, place and authority *(t)*, whereby he committeth, and must conclude, "until he be delivered by due course of law," and not "until further order," or with such like conclusions. Nor has the law only prescribed what shall be necessary to a legal Commitment, but it has also provided divers Remedies *(u)* in case any one should be illegally committed, or detained; the party injured may have an Action or Indictment founded on Magna Charta, an Action of false Imprisonment, a Writ *de homine replegiando*, and a Writ *de odio et atia (x)*.

But so precious is the Liberty of a man's person in the eye of the law, that none of these Remedies was thought sufficient, not giving so speedy

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(k) How great a latitude was taken in this matter may appear from the antient Law-Books, where the lying with the nurses of the king's children, or the killing a man sent on an errand by the king, were adjudged Treason. 1 Assiz. 22 Ed. 3. pl. 49. Briton. p. 43.

(l) 25 Edw. 3. Stat. 5. cap. 2. That this was the occasion of this Law appears from the Petition of the Commons on which it was founded, wherein they complain the Justices did adjudge several to be Traitors, for causes which they did not own to be Treason. This Petition is entered in the Parliament Rolls of that year. No. 171.

(m) 5 & 6 Edw. 6. cap. 11. Deut. cap. 19. ver. 15. *(n)* 2 Co. Institt. 186. *(o)* Cap. 29. *(p)* 3 Instit. 46. 50. *(q)* 2 Co. Institt. 187. *(r)* 2 Co. Institt. 52. *(s)* 3 Car. 1. cap. 1. § 5. 2 Co. Inst. 616. *(t)* 2 Co.Inst. 591. *(u)* 2 Co. Inst. 55. *(x)* This Writ is now quite disused; what the nature of it was, see 2 Co. Inst. 42.

a relief as the urgency of the case requires; another Remedy is therefore provided, viz. the Writ of Habeas Corpus *(y)*, which is called *festinum remedium*. By this Writ the gaoler is obliged immediately to bring the body of his prisoner before the Lord Chancellor, or one of the twelve Judges, and to certify by whom and for what cause he stands committed; whereupon the Lord Chancellor or Judge is requir'd (unless he be legally committed for an offence not bailable by law) to discharge or bail him, except in case of Treason or Felony plainly and specially expressed in the Warrant *(z)*; and even in those cases, that the innocent may not be worn and wasted with long imprisonment *(a)*, the prisoner must be brought to his trial within a reasonable time; for if he be not indicted the next term or sessions after his commitment, having duly enter'd his Prayer, he shall on the last day of the term or sessions be admitted to bail, unless it appear to the Court upon oath, that the Witnesses for the king could not then be produced: and then, if he be not indicted and tried the second term or sessions after his commitment, he shall be quite discharged *(b)*.

But because all these precautions in favour of liberty may be rendered useless by sending the Subject to remote or private prisons *(c)*, whereby he may lose the benefit of the king's Commission of Gaol Delivery *(d)*, and the king's writs be rendered ineffectual for want of knowing whom to direct them to *(e)*; to prevent this inconvenience, the law has further provided, that no subject of England shall be sent prisoner into any part beyond the seas, either within or without the king's dominions *(f)*; nor shall any be compelled against his will to serve the king out of the realm, lest under pretence of service, as ambassador or the like, he should be sent into real banishment *(g)*: nor can any be regularly imprisoned within the realm in any other place than the common County Gaol or other publick accustomed gaol *(h)*; for which reason a gaoler cannot be authorized by any warrant to deliver his prisoner into the custody of an unknown person *(i)*: Nor can any new gaol, according to the opinion of lord Coke *(k)*, be erected, but by act of parliament; one statute *(l)* ordains, that none shall be imprisoned by Justices of the Peace, (some say this extends to all other judges and justices, *(m)* but in the common County Gaol, saving to lords and others, who have gaols, their franchises.

Some will be ready to object, if these laws were in force, that a Subject shall not be compelled to serve the king out of the realm, how comes it to pass that divers subjects (not only mariners, but others) have been taken up by virtue of Press-Warrants *(n)*, and by force put aboard a ship and carried beyond sea? If it be not lawful to commit to any but antient accustomed gaols, how comes it about that so many persons have been taken up by messengers *(o)*, who have imprisoned them in their own houses, detaining them there not for two or three days only, (the time allowed by law to take their examinations) *(p)*, but for weeks or months, thereby making gaols of their houses, though they have neither the grant of such a franchise, nor any act of parliament to make them so? These are questions to which I will not undertake to give a satisfactory answer; but shall leave that to others, who are more nearly concern'd and better able to do it: I can only say, that whatever may in

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(y) 2 Co. Inst. 55. *(z)* 31 Car. 2. cap. 2. § 2 & 3. *(a)* 2 Co. Inst. 315. *(b)* 31 Car. 2. cap. 2. § 7. *(c)* This was complained of by the Judges in the 34th of Eliz. 1. Ander. Rep. 297. *(d)* 2 Co. Instit. 43. 315. Cro. Eliz. 830. *(e)* 2 Co. Instit. 53. *(f)* 31 Car. 2. cap. 2. § 12. *(g)* 2 Co. Instit. 47. *(h)* 9 Co. Rep. 119. b. *(i)* 2 Co. Instit. 53. How a prisoner may lawfully be removed, see 31 Car. 2. cap. 2. § 9. *(k)* 2 Instit. 705. *(l)* 5 Hen. 4. cap. 10. *(m)* 2 Co. Instit. 43. *(n)* See 16 Car. 1. *(o)* 5 Mod. Rep. 79. *(p)* Cro. Eliz. 830.

fact have been practised, I do not know that such practices have ever had the sanction of one judicial determination, and for my part must confess myself unable to reconcile them to the laws of the land.

It must be owned that the guards and fences of the Law have not always proved an effectual security for the Subject; the Reader will in the course of these Trials find many instances, wherein they, who held the sword of justice, did not employ it as they ought, to the punishment of evil-doers, but to the oppression and destruction of men more righteous than themselves. Indeed, it is scarce possible to frame a Body of Laws, which a tyrannical prince, influenced by wicked counsellors and corrupt judges, may not be able to break through; they may sometimes check, but will never be able to stop the career of violent and furious men. The Law itself is a dead letter, Judges are the interpreters of it, and if they prove men of no conscience nor integrity, will give what sense they will to it, however different from the true one: and when they are supported by superior authority, will for a while prevail, till by repeated iniquities they grow intolerable, and throw the State into those convulsions, which may at last end in their own ruin. This shews how valuable a blessing an upright and learned judge is, and of what great concern it is to the public, that none be preferr'd to that office, but such whose ability and integrity may be safely depended on: *Ignorantia judicis est calamitis innocentis (q).*

Further provisions in cases of Treason.

However, amidst all the mischiefs caused by the arbitrary proceedings of these wicked and unjust Judges, there is one good effect has follow'd from them; it is to them we owe those additional provisions, which have been since made for the security of the Subject: *Ex malis moribus bonæ oriuntur leges (r); Leges egregiæ apud bonos ex delictis aliorum gignuntur (s).* In all cases of Treason, wherein the crown is more immediately interested, the party accused may now demand a Copy of the whole Indictment *(t)*, five days at least, and of the names of the Jurors *(u)* two days at least before his trial; he has a right to the assistance of counsel *(x)*, not only in matters of law; but in matters of fact; he may now have the benefit of the usual process *(y)* to compel the appearance of his Witnesses; who, when produced, are to be examined on oath *(z)*, as well as those on the part of the crown (this last privilege has been since *(a)* extended to all treasons and felonies). Each species of treason must be prov'd by some overt-act *(b)*, and there must be at least two witnesses to each species *(c)*. If the accused be a peer, not only some pick'd out of the whole body, but all the peers must be summoned to the Trial, at least twenty days before *(d)*.

There are other Alterations *(e)* made in favour of the Subject, which the legislature has not thought fit should take place during the life of the present Pretender. After his decease no Attainder for Treason will work a disherison of the heir, or affect any other right, than only that of the offender during his life: the prisoner will then be entitled to have a List, not only of the Jury, but of the Witnesses to be produced against him at the Trial, with the addition of their respective professions and places of abode, delivered to him along with the copy of the Indictment, in the presence of two witnesses, ten days before his trial. The first of these Alterations being to mitigate the punishment of those, who shall by the law be adjudged guilty, might be thought an unseasonable relaxation, while there should be any apprehensions of immediate danger: but

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(q) 2 Co. Instit. 30. *(r)* 2 Co. Instit. 161. *(s)* Tacit. Annal. lib. 25. § 20. Some instances of this kind are there mentioned. *(t)* 7 Gul. 3. cap. 3. § 1. *(u)* Ibid. § 7. *(x)* Ibid. § 1. *(y)* Ibid. § 7. *(z)* Ibid. § 1. Thus it ought always to have been. See 3 Co. Instit. p. 79. *(a)* 1 Ann. cap. 9. § 3. *(b)* 7 Gul. III. cap. 3. § 2. *(c)* Ibid. § 4. *(d)* Ibid. § 11. *(e)* 7 Ann. cap. 21.

why the others should be defer'd so long, which are intended only as the proper guards of innocence against violent prosecutions, I will not pretend to guess; for the heinousness or mischief of the crime charged is so far from being a reason, why the prisoner should want assistances, that it is a very strong reason to the contrary: it being as easy a matter to impose a false charge of a great, as of a small crime.

These are some of the Privileges of a British Subject, which no other subject in the world can boast of. But after all it must not be said, that our Laws will admit of no Alterations for the better.

Observations on Juries.

1. Even in that darling and deservedly esteem'd Privilege of being tried by JURIES, some change might, I was going to say, ought to be made: the law requires, that the twelve men, of which a Jury consists, shall all agree before they give in a Verdict; if they don't, they must undergo a greater punishment than the criminal himself; they are to be confin'd in one room without meat, drink, fire or candle, till they are starv'd. It would be pretty hard to assign any tolerable reason for this usage: if it has seldom or never happen'd, I'm afraid it has sometimes been prevented only by the unjust compliance of some of the Jurors against their own consciences. For however plain some cases may be, others there are, wherein they cannot avoid differing in their judgments; nor do they deserve any censure for so doing; many men, many minds; all can't see things in the same light. To what end therefore are they to be restrained in this manner? It may indeed force them to an outward seeming agreement against the dictates of their consciences; but can never be a means of informing their judgment, or convincing their understanding. I have known, when a Juror being afterwards asked, how he could join in such an unjust Verdict, could give no better reason for it, than that the others were of that opinion; which, I fear, is the best reason a great many are able to give.—If it be said, that otherwise one stubborn fellow may stand it out against all the rest, even contrary to the convictions of his own mind, it is very true he may do so; and if his body be as stubborn as his mind, starve them out too. But why then is his voice regarded? Why can't the others give a sufficient Verdict without him? Or, if a man must not be convicted without the agreement of all, why then is not the Prisoner acquitted, when they can't all agree? But why must the Jurors be compelled to an agreement one way or other? After all, a forced agreement (as all agreements procured by restraint are) is no better than none. If the consent of him, who stands it out against the rest, be of any regard, it ought to be free; if of none, then why can't a Verdict be given without it? If twelve must agree, the better way would be to have twenty-three on a Jury, and the Verdict be given by the majority; for sure 'tis an odd way of deciding a cause, that it should be left to the determination of him, who can fast the longest. But suppose it should be thought requisite, that two-thirds should be of a mind, and if so many could agree to find the Prisoner guilty, he should be convicted; and if they did not, he should be acquitted: would not this be a sufficient security for innocence? Sure it would be much better to make a provision in case of non-agreement, than by forcible methods to extort the appearance of one; for it is the same thing to the prisoner, whether he be convicted without the concurrence of all, or by a concurrence which is not sincere but forced.

On the proceedings being in Latin.

2. Another thing not to be counted among the Excellencies of our Law is, the Indictments and other Proceedings being in the Latin tongue. Every body knows, that not one prisoner in a great many understands that language; and tho' the Indictment is generally explained to him in the vulgar tongue, yet it is to the original he must take his Exceptions, and upon that the arguments must be founded. In the days of Oliver Cromwell all Proceedings were in the vulgar tongue;

and tho' it has not been thought proper to continue a practice introduced by an Usurper, yet if the thing be really fit and right, it matters not, who introduced it: *fas est et ab hoste doceri.* The same might be said with respect to the Writing it in a peculiar hand, not generally understood. It is a maxim in Law, *Ignorantia juris non excusat* (*e*); ignorance of the Law is no good plea; it is indeed necessary that it should not, for if it were, the laws would always be evaded by a pretended ignorance; but then it must be very unreasonable to use any methods, which tend to conceal that law, and keep the people in ignorance of it: *Misera servitus est, ubi jus est vagum aut incognitum* (*f*). The inconvenience of this will appear more plainly, if we consider that every Indictment must be assented to by a Grand-Jury; and another Jury must afterwards declare whether the Charge therein contained be true or not. Now how can it be expected they should declare their consent to what they cannot understand? So that I verily believe, the greater part may very safely return *Ignoramus* to every Bill that comes before them.

On the form of Indictments.

3. Here it may not be amiss to take notice of one thing relating to the Form of our Indictments. It is very common to insert words, which are never intended to be proved: as for instance, the Words *vi et armis* (*g*) in Indictments for writing or publishing Libels, and in many other cases, where there is no pretence or colour of truth in them; e. g. *Juratores præsentant, quod J. S.* VI ET ARMIS *falsò et malitiosè scripsit quendam libellum* (*h*); which not only is an absurdity in the nature of the thing, but tends to insnare the consciences of Jurymen; who in giving a general Verdict against the Defendant, do not always consider whether that part of the Indictment be proved. When a Juryman gives a general Verdict against the Defendant, he does in effect declare upon oath, that he believes the entire charge as laid in the Indictment, to be true; how therefore can he find a man guilty generally, when there is one part of the charge, which he either believes to be false, or at least has no reason to believe to be true? It is said that these are words of course; if they be, yet still they have a natural and proper meaning (else why are they inserted?); and if they are not true, I don't see how any one can upon oath honestly declare they are, unless it can be thought an excuse for giving a rash (not to say a false) Verdict, that it is a thing of course. The words of course are generally the most material words in an Indictment; *proditorie* (*i*) is a word of course in an Indictment for Treason, *burglariter* (*k*) in Burglary, and *felonice* (*l*) in Felony; but if any of those words be omitted in their respective cases, the Indictment will be naught.

In blasphemous

It is greatly to be feared, that Jurymen do sometimes overlook the most essential Words of an Indictment, under the notion of their being words of course. Thus in the case of a blasphemous Libel, it is customary to insert the words *falsò et malitiosè scripsit*, &c. and indeed they are the very gist of the Indictment, and absolutely necessary to constitute the offence: for as no words can be Blasphemy (i. e. a reproachful

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(*e*) Digest. lib. 22. tit. 6. De juris et facti ignorantia, l. 9. Plowd. Com. 343.

(*f*) 4 Co. Instit. 246. 332. This Grievance is since remedied by the 4 Geo. 2. cap. 26. by which it is enacted, That all Proceedings shall be in English, and wrote in a common legible hand and character, and in words at length. See also 6 Geo. 2. cap. 14.

(*g*) These words are not necessary in these cases. See 37 H. 8. c. 8. it is therefore the more inexcusable to insert them, when they are not true.

(*h*) See the Indictments of Francis Smith, and of Laurence Braddon, 2 Lev. 231.

(*i*) 3 Co. Instit. 15. H. P. C. 11. (*k*) 4 Co. 39. b. Cr. Eliz. 920.

(*l*) 5 Co. 121. b. Cro. Eliz. 193.

reflection upon God or Religion) which are true, for Truth can be no reflection on the God of Truth; so no opinions, however erroneous, can merit that denomination, unless uttered with a wicked malicious design of reviling God or Religion (*m*). And yet how often have persons been found guilty upon these Indictments, without any proof either of the falshood of the positions, or of the malice of him who wrote them? Nay sometimes, when there is a great deal of reason to think they were published from no other principle, but a sincere love and regard for Truth? These are things not always sufficiently attended to by Juries; it often satisfies them, if the Defendant be proved to have done the fact (i. e. wrote the Book) whether with the circumstances *falso et malitiosè*, as charged in the Indictment, or not; and yet when the Defendant comes to move in Arrest of Judgment, that what he has done cannot amount to Blasphemy, because it was not done with an evil intent; he is then told, that that is found by the Verdict, and must be taken to be true; and so indeed it must: but then this should be a caution to Juries, how they find a man guilty of an Indictment generally without due proof of every part of it; since every thing, which was proper for their consideration, will after verdict be supposed to have been considered by them, whether in reality it was so or not.

and defamatory Libels.

Thus in the Case of defamatory Libels, or of Scandalum Magnatum, when the word *falsò* is inserted, the Defendant ought not to be found guilty, if the assertion be true. Whether it be necessary to insert the word *falsò*, is another question, (tho' I believe it would be difficult to maintain an Indictment without it;) yet certainly where the Indictment charges a man with falsly writing a Libel, he cannot justly be found guilty of that Indictment so laid, if the words be true.

On Trials for Felony.

4. Hitherto the Law allows not a copy of the Indictment, nor of the names of the Jurors, nor the assistance of Counsel (*n*) as to matter of fact on any Indictments for FELONY, yet it is the opinion of many it would be never the worse if it did; for it seems very strange to allow a man these assistances in defence of his property, and deny them to him, when his life lies at stake. Perhaps it will be said, that the prisoner would by these means be enabled to make captious Exceptions to the proceedings, whereby public justice might be either protracted or evaded; but this objection would be removed, if the law did not allow of such exceptions; for either they relate to the merits of the cause, or they do not; if they do, they are not captious, but he ought to have the benefit of them; if they do not, there will be no wrong done in disallowing them.

But still there is one reason why, as the law now stands, the Prisoner ought not to be wholly deprived of the means of making even these captious Exceptions; and that is, because otherwise he may be brought into jeopardy of his life divers times for one and the same offence, a thing very unreasonable in itself, and contrary to the Maxims of Common Law (*o*); for if he be found Not Guilty on a faulty Indictment, his Acquittal shall avail him nothing, but he may still be indicted again for the same fact. This is founded on a supposition (*p*), that his life was in no danger on the first Indictment, because of the Exceptions which might be taken to it; and yet it is apparent, that the generality of prisoners, unless they may be informed by counsel of such Exceptions, and advised how to make them, are like to be but little the better for them.

(*m*) See Reformat. leg. Ecclesiast. de Blasphemia, cap. 1. 'Blasphemia contempta contumelias in Deum projicit, et iracundia.' See also Whitlock's Speech in behalf of James Nayler, vol. 2. p. 273. Blasphemy is 'crimen malitiæ.'

(*n*) See Whitlock's Mem. p. 433.

(*o*) 4 Co. 40. a. 47. a. (*p*) Ibid. 45. a.

Le Peine fort et dure.

5. There is one thing in our Laws which is very singular, and comes the nearest of any thing to the Tortures used in other countries, viz. *le Peine fort et dure*, or, pressing to death: 'Tis true, this is not used to force the Prisoner to confess, but to plead one way or other; but yet even this seems a needless piece of severity. In High-Treason, if the party refuse to plead, the Charge is taken *pro confesso*; nor would it be any inconvenience if it were so in other cases, or rather if it amounted to a plea of Not Guilty, and the court thereupon proceeded to hear the Proofs of the Fact; for it is as unreasonable to press a man to death without a trial, as it would be to hang him without one: nor can a plea extorted by such methods give any credit to the proceeding of the Court more than if they had proceeded without one, which yet would be no injustice to the prisoner, who will not plead, when he may: nor, on the other hand, is it reasonable, that the hardiness of a Criminal, if he should be able to endure such a lingering death, should exempt him from the forfeitures the law has thought his crime to deserve: if this advantage were taken away, the only temptation of standing mute would be taken away too.

On the punishments of Crimes,

6. It has been esteemed an advantage of our Law, that it does not inflict various and cruel Deaths; that which is inflicted for Treason is the only one, which has any appearance of severity; and even there in the execution it is generally the same with other capital cases: but yet it must be also observed, that our laws are very liberal of the lives of offenders *(r)*, making no distinction between the most atrocious and heinous Felonies, and those of a less degree. If a man commit a single Robbery, hanging is the punishment inflicted by law; if he commit Robbery and Murder with never so many cruel circumstances, the punishment is still the same, and no more: so little regard is had in proportioning the punishment to the offence, that the letter of the law makes no difference between picking a man's pocket *(s)* and cutting his throat; between stealing his horse *(t)*, and firing his house about his ears. How far this is either just or prudent, is left to every one's own reason to determine; it is certainly a strong temptation to an highwayman to add murder to robbery, when by that means he runs less danger of a discovery, and no danger of a severer punishment.

Theft,

The Law of God to the Israelites required, that a person convicted of Theft should restore two-fold *(u)*, and in some cases four or five-fold *(x)*; (thus it was also by the Civil Law *(y)*) and in cases where personal violence was offered, the Punishment was retaliation, "Eye "for eye, tooth for tooth, hand for hand, foot for foot, burning for "burning, wound for wound, and stripe for stripe *(z)*:" and tho' this law may not in strictness be binding on other nations, yet undoubtedly where the reason holds the same, it is the best pattern for our imitation *(a)*.

Murder,

Murder is indeed a crime, which even by the Law of Retaliation calls for a capital punishment; it is so peremptorily enjoined by the law given to Noah, (and therefore binding on all his posterity) "Whosoever "sheds man's blood, by man shall his blood be shed" *(b)*, that some have questioned *(c)*, whether any prince or power on earth can

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(*r*) See Spelman's Life of king Alfred, p. 101. (*s*) 8 Eliz. cap. 4. § 2.
(*t*) 1 Edw. 6. cap. 12. § 10. 2 & 3 Edw. 6. cap. 33.
(*u*) Exod. cap. 22. ver. 4 & 7. (*x*) Ibid. cap. 22. ver. 1.
(*y*) Instit. lib. 4. tit. 1. de obligation. quæ ex delicto, &c. § 5.
(*z*) Exod. cap. 21. ver. 24, 25. Levit. cap. 24. ver. 19, 20. Deut. cap. 19. ver. 21.
(*a*) Grot. de jur. bel. lib. 2. cap. 20. § 32.
(*b*) Gen. cap. 9. ver. 6. Grot. de jur. bel. lib. 1. cap. 2. § 5.
(*c*) See this Question discuss'd in Bishop Barlow's Cases of Conscience.

lawfully dispense with it in any case of a plain notorious Murder *(d)*: most certainly they ought not without some very important and peculiar reasons, and not merely for favour or interest. The Law of God forbids, "that any satisfaction shall be taken for the life of a Murderer, "but he shall surely be put to death *(e)*."

As to other less Offenders, it would be a more equitable and effectual Punishment to confine them to hard *(f)* labour at home; or, if they deserve it, to sell them to the Moors or Spaniards abroad: it is Idleness which is the source of their guilt, and generally draws them into the commission of their crimes, and therefore nothing more proper to reclaim and deter them, than hard work and labour: however, they have by their guilt incurred a forfeiture of their natural liberty, so that no wrong will be done them in disposing of them in that manner. I am sure it is a much more lawful method of making slaves than the practice of kidnapping and stealing innocent men from off the African shore, and forcibly carrying them away from all their friends and relations into a miserable Slavery in America, without any better title, than what arises from the difference of complexions.

However, not to enter into a discussion of the lawfulness or justice of taking away Life for every kind of offence, a consideration which the learned Spelman observes has not had its due weight in later ages *(g)*, yet methinks so long experience might have taught us how ineffectual it is to answer the purposes for which it is designed. Death is *ultimum supplicium*, and is therefore intended only for crimes of the highest rank; but when it is indiscriminately inflicted, it leaves no room to difference the punishments of crimes widely different in their own nature. The lower part of mankind are apt in dubious cases to judge of the heinousness of the Offence by the severity of the Punishments; but yet, when they see the same punishment annext, where the difference of Guilt is manifest and apparent, they soon lose the sense of that extraordinary guilt, and instead of conceiving worse of the crime, they only blame the cruelty of the law. Further, when such numbers are continually ordered for Execution, (as must be the case where Death is made the common punishment for ordinary crimes) the frequency of the example destroys the terror of it, and makes it less dreaded than going to the Galleys or any place of hard labour. Besides, when the punishments are so very disproportionate to the offence, it defeats the end of them, forasmuch as those, who have any tenderness or humanity in their temper, will much rather forbear wholly to prosecute, than be made the Instruments of putting such severe laws in execution; instead therefore of being a means of bringing the Offenders to punishment, it is oftentimes the very reason, why they escape with impunity.

This severity of our Law in inflicting capital punishments upon the lighter crimes of Pilfering and Thieving seems the more extraordinary, when one considers the great indulgence shewn to one of the first magnitude, and which is productive of much more mischievous consequences; I mean Adultery, which it is holden *(h)*, does not by our law *and Adultery;*

(*d*) By divers old Statutes no Charter of Pardon ought to be granted in case of Murder. Dal. cap. 145.

(*e*) Numb. cap. 35. ver. 31.

(*f*) Puf. Law of Nat. lib. 8. cap. 3. § 26. Mori Utopia, lib. 1.

(*g*) Spelm. in verbo Lanicinium. See also Hales Hist. P. C. in notis p. 12.

(*h*) 2 Co. Instit. 488. 2 Salk. Rep. 552. Galizard & Rigault: This is the general opinion, tho' I must confess, I see not, but that Adultery is indictable by our Law. Godolphin in his Repertorium, cap. 34. § 10. admits it to be a temporal offence against the peace of the realm, for which sureties of the peace may be required. And lord Coke says, That in ancient times it was punishable in the turns or leets by fine or imprisonment by the name of Letherwite, 2 Inst.

admit of any prosecution in a criminal way; yet whether we consider the guilt of the offender, or the mischief done to the injured party, there is no comparison between the one and the other. What proportion is there between a private Theft, perhaps of some trifle, which may soon be repaired, and the invasion of our neighbour's bed, *(i)* irreparably robbing him of all the satisfaction and comfort of his family, confounding relations, and imposing upon him the charge of maintaining a spurious issue as his own? The one is often done only to allay the violence of a pressing hunger, but the other always to gratify an irregular and ungovern'd lust. Nor can it with reason be pretended, that the one is a crime of a public, the other of a private nature: if the public be concerned in the preservation of the Property of Goods, it cannot be less so in the preservation of the more valuable Rights, which affect the peace and quiet of families. Is private stealing an offence against the community? The other is much more so, having a greater tendency to promote frays, and quarrels, public disturbances and breaches of the peace, from whence bloodshed and murders often ensue *(k)*. —What may be the reason why our laws make so light of this enormous Crime, whether it be the countenance it receives from great examples and the commonness of the fault, or some other reason, I will not take upon me to say; but most certain it is, that the laws of other nations *(l)* had a different sense of it, and treated it in a severer manner: by the Mosaic law it was always punished with Death *(m)*; and long before that law it was esteemed "an Iniquity to be punished by "the Judges *(n)*."—By an old law of Romulus *(o)* the Adulteress was to be put to death; *Adulterii convictam vir & cognati, uti volent, necanto:* and tho' afterwards the Civil Law, *Lex Julia de Adulteriis*, punish'd it only [*per relagationem (p)*] with banishment, or [*per deportationem (q)*] with transportation into some remote island; yet the father of the adulteress was permitted to kill both his daughter and the adulterer *(r)*, and in some instances the husband had the same power *(s)*; and if he chanced to use that power in a case not allow'd, even then he was not

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488. 3 Inst. 206. It is allowed on all hands that an indictment lies for seducing a servant away from his master's service; and that the same reason extends to the seducing a wife away from her husband: of this there is a precedent in Tremain's Entries, p. 209. 213. & 214; The King against Montague, 1 Jac. 2. and another in Offic. Cler. Pac. p. 311. Tho' these were Cases where the Wife went away with the Adulterer, yet the reason holds proportionably, where she is seduced to a breach of her fidelity and trust, tho' it be without going away. If a man debauch his wife's sister, this has been held a Misdemeanor punishable by indictment or information; this was the Case of Ford lord Grey, for debauching the earl of Berkeley's daughter; See Trials, A. D. 1682, and of the king against Heathcote, for debauching Mr. Holworthy's daughter, Trin. 7 Geo. 1. (1720.) B. R. Rot. 46. Sure it is not less injurious to debauch another man's wife; but still it is punishable only as a Misdemeanor, and not with that severity as the guilt of the offence requires, and the laws of other nations have thought it to deserve: so that the injured party is in a manner obliged to betake himself to a civil action for damages; tho' as Mr. Wollaston says in the place cited below, the offence is of such a nature that no satisfaction can be made for it, if the injured man thinks so, as he generally does. If this be so, the law should be so framed, as rather to deter from committing the crime, than to aim at making amends for it, after it is committed.

(*i*) See Wollaston's Religion of Nature, § 6. par. 19.
(*k*) See 1 Hen. 7, c. 6. (*l*) See Godolph. Abridgment, cap. 34.
(*m*) Levit. cap. 20. ver. 10. Deuter. cap. 22. ver. 22. Ezek. cap. 18. ver. 11. Susanna, ver. 41. John. cap. 8. ver. 5.
(*n*) Job, cap. 31. ver. 11. (*o*) See Bodinus in Methodo Historica, cap. 4.
(*p*) Digest. de divortiis & repudiis, lib. 24. tit. 2. l. 8.
(*q*) Digest. de quæstionibus, lib. 48. tit. 18. l. 5.
(*r*) Digest. ad leg. Jul. de adulter. lib. 48. tit. 5. l. 20. (*s*) Ibid. l. 24.

to be punished with severity, but only to undergo a milder sort of punishment *(t)*: but at length when the empire became Christian, under the reign of Constantine, Adultery was made capital, *Sacrilegos nuptiarum gladio puniri oportet (u)*, and so it continued to Justinian's *(x)* time and long after. Some are of opinion that it was so even while the empire was Heathen, under the reign of Diocletian and Maximian, it being enumerated in one of their laws *(y)* among the capital Crimes.

Of smaller Crimes and Misdemeanors.

As to smaller Crimes and Misdemeanors, they are differenced with such a variety of extenuating or aggravating circumstances, that the law has not, nor indeed could affix to each a certain and determinate Penalty, this is left to the discretion and prudence of the Judge, who may punish it either with Fine or Imprisonment *(z)*, Pillory or Whipping, as he shall think the nature of the crime deserves: but though he be intrusted with so great power, yet he is not at liberty to do as he lists, and inflict what arbitrary punishments he pleases; due regard is to be had to the quality and degree, to the estate and circumstances of the offender, and to the greatness or smallness of the offence; that Fine, which would be a mere trifle to one man, may be the utter ruin and undoing of another; and those marks of ignominy and disgrace, which would be shocking and grievous to a person of a liberal education, would be slighted and despised by one of the vulgar sort *(a)*. A Judge therefore who uses this discretionary power to gratify a private revenge, or the rage of a party, by inflicting indefinite and perpetual Imprisonment, excessive and exorbitant Fines, unusual and cruel Punishments, is equally guilty of perverting justice and acting against law, as he, who in a case, where the law has ascertained the penalty, wilfully and knowingly varies from it. If no measures were to be observed in these discretionary Punishments, a man who is guilty of a Misdemeanor might be in a worse condition than if he had committed a capital crime; he might be exposed to an indefinite and perpetual Imprisonment, a punishment not at all favoured by law, as being worse than death itself *(b)*: nor does an extravagant Fine, which is beyond the power of the offender ever to pay or raise, differ much from it; for if his Imprisonment depend upon a condition, which will never be in his power to perform, it is the same as if it were absolute and unconditional; if the offender be not able to pay such a Fine as his offence deserves, he must then submit to a corporal punishment in lieu of it, according to the old Rule, *Qui non habet in crumena, luat in cute (c)*. It is true, that Clause of Magna Charta *(d)* which requires the saving every man's contenement, (viz. his means of livelihood) extends only to Amerciaments, which are ascertained by a Jury, and not to Fines, which are imposed by the Court; but nevertheless those Fines ought to be moderate and within bounds; where a court has a power of setting Fines, that must be understood of setting reasonable Fines *(e)*: "an excessive Fine," says lord Coke, *(f)*, "is against law," *(g)*, and so it is declared to be by the Act *(h)* "for declaring the Rights and Liberties of the Subject," &c. The same Statute declares the Illegality of unusual and cruel Punishments.

By Imprisonment, and Fine.

It was the non-observance of these Rules, which occasioned the disso-

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(t) Digest. ad leg. Cornel. de sicariis, lib. 48. tit. 8. l. i. § 5. Digest. ad leg. Jul. de adulter. l. 38. § 8.

(u) Cod. ad leg. Jul. de adulter. lib. 9. tit. 9. l. 30. § 1.

(x) Institut. de publicis judiciis, lib. 4. tit. 18. § 4.

(y) Cod. de transact. lib. 2. tit. 6. l. 18.

(z) 8 Co. Rep. fo. 59. b. *(a)* Wollast. Relig. of Nat. § 2. Obs. 5. Puf. Law of Nat. b. 8. cap. 3. § 25. Grot. de jur. bel. lib. ii. c. 20. § 33. *(b)* Vita pejor morte, Trials. *(c)* 2 Co. Instit. 173. *(d)* Cap. 14. *(e)* 8 Co. Rep. fo. 38. b. *(f)* 11 Rep. 4. 44. a. *(g)* See sir John Hawles's Remarks on Fitzharris's Trial, &c. *(h)* 1 Gul. & Mar. Sess. 2. cap. 2. § 1.

lution of the Star Chamber *(i)*; a Court, which lord Coke *(k)* calls the most honourable in the Christian world, consisting of the chief officers of the kingdom, but as he observes *(l)* was of such a nature as most of all needed to be kept within its proper bounds; it might indeed have served to very good purposes, if rightly managed, being chiefly intended for the correction of scandalous Indecencies and Immoralities, which did not fall under the cognizance of ordinary jurisdictions *(m)*: but when once its authority was abused to wreak the malice of particular persons, and prostituted to the base ends of a Court-Faction; when no limits were observed in the exercise of its Jurisdiction, nor humanity in its Sentences; when the Judges thereof, however dignified by their posts, became a disgrace to human nature by their barbarous and cruel butcherings, punishing pretended Libels not only with perpetual Imprisonments, but with brandings in the face and mutilation of members; when the case was thus (as it appears to have been from some instances *(n)* in this Collection), it was then high time to tear it up by the roots, as a Grievance no longer to be borne with. A Judge therefore ought to be strictly careful that he conform to the rules of law not only as to the nature of the Punishment, but likewise as to the degrees thereof.

It is indeed no easy matter to settle the precise limits, how far a Court of Justice may go; every case must depend upon its own particular circumstances. But some Fines and some Punishments are so monstrously extravagant, that no body can doubt their being so; such were the Fines of sir Samuel Barnardiston and Mr. Hampden, such were the repeated Pilloryings and barbarous Whippings of Oates, Dangerfield, and Johnson.

These Punishments may no doubt be properly inflicted, where they are in a moderate degree and proportioned to the offence; only it were to be wished, that some better care were taken in the execution of them. How unreasonable is it that a Criminal sentenced to be whipt should lie at the mercy of a vile executioner, and that it should be left in the power of a common hangman to make that Whipping as severe or as favourable as he pleases? In this respect it must be owned we are excelled by foreign countries, where the magistrate, who is the best judge of the Offender's guilt, is present at the execution of the Sentence, and gives the proper directions about it.

Whipping,

and Pillory;

As to the Pillory, that is intended only to expose the Offender to shame and infamy, and to mark him out to the public, as a person not fit to be trusted, but to be shunned and avoided by all creditable and honest men: never did the law design that he should be exposed to the peltings of a mob, or the assaults and injuries of a furious rabble, whereby the prisoner is so disguised as to defeat one main design of setting him there, which was, that he might be publicly known and observed. It is indeed a surprizing neglect, that no effectual care has hitherto been taken to suppress these practices, especially considering the fatal consequences which have sometimes ensued from them, even to the loss of the poor man's life. It is not sufficient that whoever injures him in this manner may be punished for so doing; for how is it possible that a man in his condition should observe who it is that does him the injury, or secure him if he did? He is at that time in the hands of justice, and justice ought to protect him: when a man is at liberty, he is in many cases able to defend himself; but when he is in the custody of the law, and is thereby disabled from being his own defender, the law ought to

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(i) This was a Court by common Law confirmed by 3 Hen. 7. cap. 1. and dissolved by 10 Car. 1. cap. 10. *(k)* 4 Instit. 65. *(l)* Ibid. 60. *(m)* Ibid. 61. 63. *(n)* See Proceedings against Prynn, A. D. 1632-3, and Proceedings against Bastwick, Burton, and Prynn, A. D. 1637.

be his security and defence against any injurious treatment. It cannot be pretended that this is altogether impracticable; experience shows us, how effectually it may be done, when the officers find an advantage by it; nor would there be any harm in it, if the officers were obliged by proper penalties to take the same care without money, which they are so well able to do with it.

7. Another thing in which our Law seems defective is the want of some further guard against the Packing of JURIES, and the Oppressions and Extortions of GAOLERS; but these are now under the consideration of the legislature, who, it is hoped, will apply proper Remedies to these growing evils *(o)*. As to the latter of these, I fear no Remedy will be effectual while they are suffer'd to buy and sell their places; for while that is permitted, they will be under stronger temptations than men of their character and function usually resist, to exact more than is their due; the thing itself has an appearance of hardship, to force a man into gaol against his will, and yet oblige him to pay for his admission into it: if he be guilty, the punishment of the law should be deem'd sufficient; but if innocent, the hardship is still the greater, especially where it falls upon the indigent and necessitous. It is chiefly owing to this that our Gaols swarm with multitudes of miserable objects, who lie there year after year without any hope of redemption; so that when they have suffer'd the penalty of the law, they have a severer punishment still to undergo for the non-payment of Fees *(p)*, a debt which is forc'd upon them against their consent, and is often out of their power ever to discharge, whereby the poor wretches are in effect condemned to perpetual imprisonment; a thing very odious in the eye of the law, even for great and heinous crimes. How much better would it be for the public to allow the Gaoler a reasonable salary, instead of these perquisites, which arise from the miseries of the unfortunate, who are thereby often necessitated to take dishonest and unlawful methods to enable themselves to pay them? By the common Law *(q)*, to avoid all extortion and grievance of the subject, no sheriff, coroner, gaoler or other of the king's ministers ought to take any fee or reward for any matter touching their offices, but of the king only. This extended to all whose offices did any ways concern the administration or execution of justice, or the common good of the subject, or the king's service *(r)*.—Fortescue *(s)* relates it as part of the Sheriff's Oath upon entering into his office, "That he shall receive or take nothing of any other man than the king by colour or means of his office." Divers acts of parliament *(t)* have been made in affirmance of this, which Lord Coke *(u)* calls "a fundamental Maxim of the Common Law;" he adds further, "that while Officers could take no Fee at all for doing their office, but of the king, then had they no colour to exact any thing of the subject, who knew that they ought to take nothing of them; but after this rule of the Common Law was alter'd by some acts of parliament, which gave to the said ministers of the king Fees in some particular cases to be taken of the subject, it is not credible what Extortions and Oppressions have thereupon ensued; whereas before without any taking at all their office was done, now no office at all was done without taking, the Officers being fetter'd with golden Fees, as fetters to the suppression or subversion of Justice" *(x)*.

On Gaolers,

and their Fees.

(*o*) Both these Grievances have been since remedied in some measure, the former by the 3 Geo. 2. cap. 25. and the latter by 2 Geo. 2. cap. 22. (*p*) Mirror of Justices, c. 5. § 1. n. 53. says, It is an Abuse that Prisoners, or any for them, should pay any thing for their entrance into or coming out of Gaol.

(*q*) See 2 Co. Inst. 74. and the Authorities there cited. (*r*) 2 Co. Inst. 209. (*s*) De laud. Leg. Angl. cap. 24. (*t*) Mag. Chart. cap. 35. West. 1. cap. 10. and cap. 26. (*u*) 2 Instit. 210. (*x*) 2 Instit. 74 & 176.

The true Design of Gaol-deliveries;

While Prisoners are thus long detained, the true design of Gaol-Deliveries can never be answer'd: This is a Commission, says lord Coke *(y)*, instituted by the law of the land, *ne homines diu detineantur in prisona*, but that they might receive *plenam et celerem justitiam:* he adds, that Gaols ought to be delivered thrice a year, or oftner, if need be. Of so much consequence does the law esteem it to be, that the Abbot of St. Albans *(z)* who had a grant of a Gaol and Gaol-delivery, was adjudged to have forfeited his franchise for an unreasonable delay in making Delivery of his Gaol. But what are the Prisoners benefited by Gaol-deliveries, if after the law has done with them, they may still be detained for Fees, which they will never be able to pay?—Another design of Gaol-deliveries was by clearing the Prisons to make room for new comers; but the Discharge of the old Prisoners being by these means prevented, the continual addition of new ones renders the croud so great, that the place becomes too strait for its inhabitants: this, together with the filth and nastiness occasion'd by their miserable poverty and want of conveniencies, is the cause of those contagious distempers which are wont so violently to rage in many of our prisons, not confining themselves within the prison-walls, but sometimes spreading their infection in the very court where the prisoners are brought to Trial, to the no small hazard of judges, juries, counsel, and all who attend there. A dreadful instance of this is recorded in History (*a*) to have happen'd in the twentieth year of queen Elizabeth at Oxford assizes, when the Prisoners brought such a stench with them into court, that the Lord Chief Baron Bell, the Sheriff, several Counsel, almost all the jurors, and near three hundred others, died within the space of forty hours after it. I could wish our own times had not furnished us with a fresher instance of this kind.

The ill consequences of the common Management of Gaols.

A further Mischief arising from this long Detention of Prisoners is, that it defeats the principal end of all law and justice. All Punishments below capital are intended to reform the criminal, and deter him from offending again: but as our Gaols are commonly managed, it is to be fear'd, they breed up and harden more rogues, than the law either reclaims or removes. The prisoners are indulged so great a liberty in rioting and debauchery, which the keepers, who have the advantage arising from the sale of the liquors, find their account in promoting; the young novices are permitted to contract so intimate an acquaintance and familiarity with the old offenders, that our Gaols are rather the schools and nurseries of all manner of roguery and wickedness, than proper places for correction and amendment. It is generally observed, that they, who enter in raw and unexperienc'd offenders, with some sense of shame and modesty, soon grow to be impudent and harden'd villains, entering themselves members of a gang, wherein they are not only instructed in the theory, but experienc'd in the practice of their wicked arts. This may seem strange to some, who think they are restrained, (at least while they are prisoners) from doing mischief without doors; yet it is not without reason apprehended by others, that they sometimes find means to make excursions, which is hard to be accounted for without the connivance or permission of their keepers, who no doubt take care to be no losers by it: and though this may be a favour not usually shown to any but inferior rogues, who are detained for smaller crimes; yet I could mention an instance (attested by a person of undoubted credit) of one who was committed to Newgate for breaking open an house in the night-time, and while he was in suppos'd custody for that offence, was apprehended committing a fact of the like kind in a remote part of the town.

(*y*) 4 Instit. p. 168. (*z*) 2 Co. Instit. 43. (*a*) See Baker's Chronicle, p. 353.

The Use of Chains and Fetters in Gaols.

Another matter of complaint is, that intolerable and inhuman practice of many Gaolers, who to extort from their unhappy guests such sums as they shall think fit to exact, thrust them as soon as they arrive within their dominions, into stinking dungeons, loading them with Fetters and Irons till they can bring them to a compliance with their unjust demands (*b*): the pretence indeed is, that they are answerable for their prisoners, and therefore ought to be allowed the use of proper means to secure them. That this is nothing but pretence is sufficiently plain, money being generally able to procure a release from these shackles, which do then become no longer necessary for the safeguard of the Prisoner, having already answered their real design. Though Gaolers are indeed answerable for their Prisoners, yet neither the law of England nor common humanity esteems such means as proper in ordinary cases; *Severos quidem facit justitia, inhumanos non facit* (*c*): they may make their Prisons as strong as they can, may set what guards and keepers they will to watch them, but must use no force or violence to their persons, no tortures or pains, while the Prisoners quietly submit themselves to the process of the law; *Carcer ad continendos homines, non ad puniendos haberi debet* (*d*). Prisons are designed only for the custody of the Prisoners, not for their punishment, unless when it becomes part of the Sentence; and even then it is no otherwise intended as a punishment, than by way of confinement to the prison, not as a justification of any ill usage in it. *Custodes gaolarum pœnam sibi commissis non augeant, nec eos torqueant, vel redimant, sed omni sævitiâ remotâ pietateque adhibitâ judicia debitè exequantur* (*e*). If a prisoner is boisterous and unruly, or makes any attempt to escape, or perhaps if he only threatens to do so; in such case it may be allowable to use a stricter discipline. Lord Chief Justice Coke says (*f*), "That Shackles about the feet ought not to be, but for fear of escape." If these words have any meaning, they must import, that unless a prisoner has given just cause to apprehend an Escape, he ought not to be fettered: otherwise it may be pretended of all prisoners, let them behave never so peaceably and civilly, who will by these means lie at the mercy of gaolers, whose very mercies often are cruelties (*g*). The same Author says in another place (*h*), "Where the law requireth, that the Prisoner should be kept in *salva et arcta custodia*, yet that must be without pain or torment to the Prisoner," which Chains and Fetters undoubtedly are. And again in his Comment (*i*) on the Statute of Westm. 2. cap. 11. by which Statute the Gaoler is permitted in a particular case there mentioned to lay his prisoner in irons, he makes this observation, "That by the Common law it might not be done." There is one great absurdity in this practice, that by these means the prisoner often suffers more before he is tried, than the law inflicts on him when he is found guilty; but yet I know not how it comes to pass, it is too generally and too notoriously practised to be either conceal'd or deny'd. This method of proceeding is resembled by lord Coke (*k*) to that of Rhadamanthus the Judge of Hell, who first punisheth and then heareth; like as the chief Captain did by St. Paul (*l*), first ordering him to be bound with chains, and then demanding of him who he was, and what he had done.

(*b*) See the Reports of the Committee of the House of Commons appointed to inquire into the State of the Gaols, 1728-9, relating to the Fleet and Marshalsea Prisons. (*c*) 2 Co. Instit. 315.

(*d*) Digest. lib. 48. tit. 19. de pœnis, l. 8. § 9. Bract. l. 3. fol. 105. a. 2 Co. Instit. 43. (*e*) Fleta, lib. 1. cap. 26. (*f*) 3 Instit. p. 34.

(*g*) 'Tis on this presumption of Gaolers ill-treating their Prisoners, that whenever any die in Prison, the law requires the Coroner should sit on their bodies, to inquire into the manner of their death, before they can be buried. Flet. lib. 1. cap. 26. (*h*) 3 Co. Instit. 35. (*i*) 2 Instit. p. 381. (*k*) 2 Instit. 55.

(*l*) Acts, cap. 21. ver. 33.

And on the Voluminousness of the Laws.

8. There is one thing more which ought not to be wholly passed over, and that is, the Multiplicity and Voluminousness of our Laws: If what lies scattered in so many various (some obsolete) Acts, were (so much of them as should be judged fit to be continued) collected under their several Heads into so many distinct acts, the law would be much more plain and easy; whereas now, considering the variety of subjects, which are often thrown together into one act, and the various acts relating to one and the same subject, it is no easy matter to find out the whole relating to one particular head; and when it is found, many difficulties arise from the clashings and inconsistencies of the several acts, the old ones not being always sufficiently consulted when the new ones are made; so that it is to be wished we may never feel the inconvenience which Tacitus (*m*) complains of in his time, *Antehac flagitiis laborabatur, nunc legibus.*

I thought these short Observations upon the Laws of England, so far as they relate to public Crimes and the incidents thereto, would not be altogether unsuitable to a Work, consisting chiefly of the Histories of Criminal Prosecutions.

The Conclusion naturally resulting from the whole is, That as our Laws have many Excellencies and Advantages which we have just reason to value them for, so they have also their defects and blemishes: such a blind veneration for them, as will not allow this, does not only suppose a perfection which all human contrivances are incapable of, but is the greatest obstruction to all attempts for an amendment: that some things need to be mended, no experienc'd lawyer can deny; and that they should be so, every honest one will heartily desire.

Whether the Particulars here mentioned be of that number, is submitted to the judgment of all true lovers of their country, who it is hoped will be so far from being offended hereat, that they will use their utmost endeavours to promote the amendment of whatever shall appear to need it. I pretend not to have taken notice of every particular in our Crown Law which may deserve it; my design was only to give a few hints, wherein I might evince the necessity of a reformation; and if I can be any way instrumental in bringing it about by stirring up others of more capacity and influence to undertake the task, I shall answer my end.

An Account of this Edition.

The reader will by this time expect some Account of the Improvements and Alterations in this Second Edition. When the first Edition was preparing for the press, the Undertakers were at great pains and expence, and offered large encouragements to procure whatever was proper and suitable to their design; but as they were sensible there must needs be many defects and omissions in the first attempt of a Work of this nature, so they have continued their pains to supply those defects, and have offered the same encouragements to any who should furnish them with such material Trials as were then omitted. How they have succeeded in their endeavours may be seen from the large number of Additional Trials: These, together with the Additions interspersed thro' the other Trials, have swell'd the Work to five Volumes; to which there is added a Sixth, containing the most remarkable Trials from the reign of queen Anne, where the first edition ended, to the end of the reign of king George 1. The larger Trial of the earl of Strafford is here purposely omitted, as being an entire Volume in Rushworth's Collections, which is to be had by itself.

To make this Collection more generally acceptable, the Reader is informed at the end of each Trial, where the Prisoner was convicted of a capital crime, whether he was executed or not; and (where it could be had) an Account also is added of his Behaviour and Speech at the place of Execution.

(*m*) Annal. lib. 3. § 25.

And whereas in the former Edition some Trials were inserted out of the order of time, and parts of others transpos'd, they are here reduced to their proper places; the names of the Judges, Attorney-General, &c. are here generally, if not always, inserted; several Notes are added to explain and illustrate the text, and divers References made to the Books of Reports and Historians of the times: and for the ease and conveniency of referring, each Trial is distinctly number'd; the several Titles are render'd uniform, containing the Date when, the crime for which, and the court before whom the Prisoner was try'd; all which are continued where there was room for them throughout the running title; the omission whereof in some places 'tis hoped the candid reader will excuse, since in a work of this nature, where such a variety of printers are employ'd, it can scarce be expected that all parts of it should be performed with equal care and exactness.—To render this Work the more useful, especially to the Gentlemen of the Law, there is subjoin'd by way of Appendix a Collection of Records relating to the said Trials. The undertakers wish they could say they had had the same success in this part of the work as in the other; but hope the fault will not be imputed to them, who have inserted all they could procure, and done their endeavours to procure the rest.—That the whole might be the better fitted for use, there are added two Alphabetical Tables; the one containing the Names of the Persons tried or proceeded against, together with the Times and Places of their Trial, and also their Crimes and Punishments; the other of the several Matters contained in all the Six Volumes.

March 27, 1730. S. EMLYN.

PREFACE

TO THE SEVENTH AND EIGHTH VOLUMES OF THE STATE TRIALS: PRINTED IN THE YEAR 1735.

AFTER the publication of a Collection of State-Trials, which consists of Six Volumes in folio; the Reader may possibly be surprised at the appearance of two Volumes more of Collections on the same subject. For this reason it may be proper to premise some particulars prefatory to the Work, concerning the inducements there were to it, and the method wherein it has been pursued. And here we would by no means be understood to lay an imputation on the gentleman who prepared the last Edition of that Work for the press. The judicious Preface he prefixed to it, plainly shewed him to be entirely master of the subject; and he performed with eminent sufficiency the part he undertook, which was, to prepare and methodize such Tracts, printed or manuscript, as were brought to him; to insert them in their proper places, and to make Remarks and References where ever there was occasion. The business of collecting the several pieces was by no means his province, nor was it to be expected from one who had daily avocations in the way of his profession.

And tho' it were admitted that the then Undertakers did every thing they possibly could, to render the Work entire and complete, and spared neither pains nor expence to procure materials fit for the purpose; yet it is no wonder, that in so fruitful a field, they should after all their diligence leave some gleanings to reward the industry of those that came after them. They proceed in the first Edition upon a very scanty plan, proposing to take in no Trials, but what were really State-Trials, and were taken at length and entire; and to this plan they adhered strictly, except in a few instances: but in preparing the second Edition, by the advice of several gentlemen of learning and curiosity, a greater latitude was taken, and as well several Cases heard before the Court of Star-Chamber were inserted, as other Proceedings at Law, which could not properly be called State-Trials; and Trials which were well taken, tho' not of a Criminal nature, were inserted, together with the dying Behaviour and Speeches of such unfortunate persons as suffered death upon their convictions.

In almost every of these particulars, these Supplemental Volumes will appear to have received many Additions and Improvements. The Cases here inserted, which were debated in the Star-Chamber, are such only as were considerable for the curiosity of the fact enquired into; as the Case of Davidson for sending down the Warrant for beheading the queen of Scots, contrary to queen Elizabeth's order; or for the figure and station of the Persons concerned, as lord Chancellor Bacon and others. The Trial for a large Estate in Shadwell, wherein the lady Ivy was a party; that of Mr. Denew and others, for assaulting Mr. Colepeper; the Proceedings between the duke and dutchess of Norfolk, and his grace's Trial with Mr. Germaine; and some others, were taken from printed pieces, which, for their price and scarcity, were almost equivalent to Manuscripts: and we can with truth say, that most of the printed Tracts here made use of, cost above ten times the price, that an ordinary piece of the same size is commonly sold for.

As for the Trials in these Volumes which were never before printed, we are not at liberty to give the reasons why we believe them to be authentick; but we conceive the intrinsick marks they bear will be so evident and convincing, to every one that reads them, of their being genuine, as to make any proofs on that head to be absolutely unnecessary.

We have been obliged in a few places to transcribe here and there some passages from larger works: but in this particular we have been as sparing as possible, having inserted no more than was absolutely necessary to preserve the connexion, and to make the whole more intelligible. The greatest freedom taken in that kind has been in the Collection of Arguments and Debates upon the Habeas Corpus Act and Liberty of the Subject, between the years 1627 and 1640; in which we were obliged to be sometimes beholden (but as little as possible) to Mr. Rushworth's Historical Collections. As these contests, between the crown and the subject, were one of the greatest causes of the fatal confusions which afterwards followed, and of that surprising Revolution which was the astonishment of all Christendom, every Proceeding in that affair, warranted by sufficient authority, was thought worth preserving, especially as it related to what, next to the Life of the Subject, is deemed most precious in the eye of the law, his Liberty.

Some gentlemen may perhaps think that Mr. Rushworth's Collection are so full on this head, that it would be a presumption to add any thing to them: but it will appear that most of the Speeches and Proceedings here printed are not taken notice of by Mr. Rushworth. How they came to be omitted, we will not pretend to determine; only we cannot forbear observing, as a strange instance of partiality in that Editor, that after inserting the Articles against the earl of Strafford at large in his Trial, he has abridged the Answer put in by him to his Articles, with this Introduction: "The Answer held three hours, being above 200 sheets of paper, too long to be here inserted; yet take an Abstract of the said Answer to the Articles exhibited against him, which are as followeth." Which Abstract is so vastly short, as not to contain above ten pages.

For fear of being thought prolix, in order to swell the price of the Book, we have omitted the Trial at large of the earl of Strafford, it being to be had separate at a moderate price. We don't doubt but his Answer at large would have been a great ornament to this Collection, and would have enabled the world to judge more clearly of his Case, than it is now likely to do. But as all the Proceedings against him were strictly ordered to be obliterated; so, with the utmost enquiry, we have been unable to find any Copy thereof remaining with the Descendants of his family, or in any other hands.

The Case of Monopolies, between the East-India Company and Mr. Sandys, does not, it must be confest, strictly speaking, come under the description of a State-Trial; but as the publishing the Proceedings between the King and the City of London, upon a *Quo Warranto*, in the last Edition of the State-Trials, met with general approbation, we hope the like candid construction will be put upon the step we have taken in this Case. The Question of the Power of the Crown to grant an exclusive Charter, and the Distinction to be made between a criminal Monopoly, the regal Prerogative, and legal Property, are undoubtedly of the highest importance. The point is debated upon this occasion by the most knowing and eminent lawyers of the time, and their Arguments are now first published from Manuscripts, which have not been taken notice of in any of the Law-Books now extant, (except a very short Abstract of some of the Speeches, which is printed in Mr. Serjeant Skinner's Reports) to which are added, the learned Arguments and Reasons of the Lord Chief-Justice Jeffreys.

There are some instances where we have not been able to procure complete Trials, and yet have obtained either Speeches made in them by gentlemen of note at that time, or large and particular Relations, though not in so minute and exact a manner, as in Trials taken in Short-hand in Court. Where any thing of this kind has occurred, which we judged worth notice, we have chose to preserve them from the oblivion they would otherwise sink under, by inserting them in this Collection. And tho' they are not so valuable as entire Trials, yet they may serve to give a more clear account of the Facts there tried, than is to be found in a general History; which, as the learned Editor of the State-Trials well observes, is one considerable Benefit arising from Collections of this kind.

Concerning the other Pieces contained in this Collection, we need be the less particular in this place, as we have before most of the Articles, or in Notes at the bottom, given our reasons for inserting them: only lest it should be thought that the remark-

able Case of Ashby and White, in the last Volume, contains no more than the small Book, published under that name in octavo in the year 1705, it may be proper to observe, That the whole Proceedings and Debates of that memorable Affair are deduced in order of time from the first Complaint made in the House of Commons; containing not only the Proceedings, Reports, Representations, Conferences and Resolutions, of both Houses, as published by their order; but also the Proceedings and Arguments in the Court of King's-Bench.

In fine, as no pains or expence has been spared to make this Collection complete, useful and instructive; so we must submit the whole to the judgment of the Publick, and rely upon the candour of the Readers, for a kind acceptance of our endeavours.

PREFACE

TO THE NINTH AND TENTH VOLUMES OF THE STATE TRIALS: PRINTED IN THE YEAR 1766.

THE Public may be surprized at finding a Ninth and Tenth Volume of STATE TRIALS publish'd after so voluminous a Collection already set forth; yet, if they consider it is above thirty years since the Seventh and Eighth Volumes were printed, and the great number of Trials for Treason, Murder, Perjury, Forgery, &c. which have happened since that time, likewise a Rebellion within that period (always productive of many Trials) their admiration must cease.

Besides, gentlemen must have observed, in the course of their reading, a great many Trials have happened for different Crimes and Offences, which have never yet appeared in print, but have been locked up in the studies of those who either took them, or had them taken in Short hand: those falling into other hands, by deaths or otherways, have either been purchased, procured, or generously sent in towards compleating this useful Work; such as Matthews's Trial for High Treason, in printing "*Vox Populi, Vox Dei,*" in 1719, which has lain dormant near fifty years; Hales and Kinnersley's Trials in 1728, for forging promissory Notes, in the names of Robert Gibson and Samuel Edwards, esquires (both members of parliament), and publishing them as true ones, for large sums of money, wrote on frank'd covers given them to send into the country; Huggins and Bambridge's Trials, who were Wardens of the Fleet, with Corbett the Tipstaff, and Acton the Keeper of the Marshalsea Prison, who were all prosecuted in 1729, for Murder, by order of his majesty, on an Address from the House of Commons for that purpose; Mr. Franklin's Trial, in 1730, for printing and publishing a Libel entitled, "A Letter from the Hague;" with several other Trials which were taken at large, with the Speeches of the Court and Counsel, are now first printed from Manuscripts, and inserted in this Collection.

All the printed Trials at full length, that we could hear of (and we have frequently advertised to procure them) published since the Seventh and Eighth Volumes, are brought into this Work, with great Additions to most of them, either by Arguments on the special Verdicts, Counsel's Opinion on some of the Cases, or Accounts of the Prisoners Behaviour and dying Speeches, &c. and though several small Trials, or Parts of Trials and Proceedings, have been printed or procured in Manuscript, and were too minute to be inserted in the body of it; yet, in order to preserve even them from being buried in oblivion, we have given them a place in the Appendix; for these scarce Pieces are of value, and not to be collected but with great difficulty and expence; and it is hoped some gentlemen of the Law, on reading them, will furnish some Speeches or Arguments towards compleating them, in case this Work comes to another edition. In this Appendix are likewise inserted two Trials in Corporation Causes, now first printed from Manuscript, viz. New Romney and the port of Hastings, which were argued by some of the most eminent Counsel then at the Bar; the first before the lord chief-justice Eyre, and the latter before lord Hardwicke; which were not procured time enough to be inserted in the body of the Work.

Some Trials in this Collection cannot, properly speaking, be called State Trials, yet may be deemed good precedents, and determine many points of law; therefore have their use, and were thought too material to be omitted; and it would be confining the Collection in too narrow a compass, to insert only STATE TRIALS. But as the former Collection, in Six Volumes, published by Sollom Emlyn, esq. (who wrote that admirable Preface prefixed to the first Volume, and published Hale's Pleas of the Crown in folio) met with general approbation, we have endeavoured to follow his steps, and take in such Trials, for Murder, Perjury, Forgery, &c. as have been pub-

lished at large; for all Trials, even in these Cases, are Helps to History, setting forth the true state of the case on both sides, and are useful to the Gentlemen of the Law as well as Historians, as they give the Opinions of the greatest lawyers on the different points brought before them.

This Work will receive considerable Addition from that upright Judge Mr. Justice Foster, who, in his Cases on the Crown Law, has given the Public several Resolutions and Determinations of the Court on some of the Trials of the Rebels, which are added after each of their Trials; but the greatest use made of that judicious Author, is his Speech on pronouncing the Judgment of the Court, in the Case of the King and Macdaniel, and his Gang of Thief-takers (which is inserted after the Arguments of Mr. Hume and others on their special Verdict, which Arguments were never before printed); and also on the Question put to the Judges, by the House of Lords in Earl Ferrers's Case, "1. Whether a Peer, indicted of Felony and Murder, and tried and convicted thereof before the Lords in Parliament, ought to receive Judgment for the same, according to the provisions of the act of parliament of the twenty-fifth year of his majesty's reign, intituled, 'An Act for better preventing the horrid Crime of Murder?' 2. Supposing a Peer, so indicted and convicted, ought by law to receive such Judgment as aforesaid, and the day appointed by the Judgment for Execution should lapse before such execution done, whether a new time may be appointed for the execution, and by whom?"

As the Affair of Mr. Annesley and lord Anglesea made a great noise, some years ago, and occasioned four Trials, carried on at a vast expence, we have inserted them here. 1. Mr. Annesley's for the Murder of Mr. Egglestone at Staines in Middlesex; 2. that of lord Anglesea, and others, tried in Ireland, for an Assault on Mr. Annesley, Mr. Mac Kercher, and others; 3. So much of the Trial in ejectment, in Ireland, between Mr. Annesley and lord Anglesea (which Trial at large is in almost every hand) as will make the Reader entire master of the whole affair; with the Speeches and Opinions of the lord chief baron Bowes, and the other Judges, at full length, in that remarkable Cause; which will serve for an Introduction to the Trial of Mrs. Mary Heath, lady Altham's woman, who was tried for Perjury, for the Evidence she gave on that Trial in Ejectment. The Acquittal of this woman seems to have put a stop to the further proceedings at that time; and since Mr. Annesley's death, we do not hear they are as yet revived. The Trial of Elizabeth Canning, for Perjury, is here printed, though in a much fuller and larger manner than it ever appeared in before this publication.

As Scotland is part of the United Kingdoms, and their Trials are conducted in a very sensible manner, though their method of Proceedings are different from ours, (in not bringing their Witnesses into court to be examined, only reading their Depositions taken in writing on oath) yet we shall insert three or four of the most principal of them, to shew their method of proceeding, and the reasoning and learning of their advocates.

Some people may wonder we have not obtained some of the modern Trials, as Dr. Henzie for High Treason; the Cock Lane Ghost, &c. Our Answer is, we should have been very glad to have obtained them; they would have been a great addition to the Work from the great learning of the Judge that tried them; but we never could hear they were ever printed or taken in Short-hand; and as to the former, he made no Defence or called any Evidences; so it could not be a Trial of any consequence; but if any one has a mind to peruse the Law Proceedings against him, in the Court of King's Bench, he may find them in Mr. Burrow's Reports, vol. I. part iv. p. 642.

We hope the candid Reader will excuse such Errors as he may find in this Work occasioned by the Editor's distance from the press, and judge favourably of this Collection (made more for amusement than profit), which, in all probability, had never seen the light, if the Editor had not, at great trouble and expence, undertaken it.

S. N.

MR. HARGRAVE'S PREFACE

TO THE FOURTH EDITION OF THE STATE TRIALS, IN TEN VOLUMES FOLIO: PRINTED IN THE YEAR 1775.

IT is become too frequent a practice to republish the most valuable works, with such a perfect silence as to former Editions and the Variations from them, or at least with such a slight notice, that the Reader is left in a profound ignorance of many particulars both useful and necessary to be known. This omission may be very well excused in the instances of ordinary trash, with which the press too much abounds; for it would be an intolerable waste of time to descend into minute details about every insignificant production, which happens to gratify the false taste of the times, and runs through a number of editions. But works of genius, of erudition, or of science, and all which furnish important information or instruction, and are therefore worthy of being preserved from oblivion, ought to be treated in a more formal and respectful manner; and a loose and undistinguishing mode of newly editing such books is not less inconvenient and dissatisfactory to the Reader, than discreditable to the Publisher. Nor should this mark of distinction be confined to original works; compilations and collections, when they relate to very interesting subjects, being also fully intitled to the same attention. This observation strongly applies to a Collection like that of the STATE TRIALS. In the case of a Work so connected with the jurisprudence and history of the country; it is of the utmost consequence to fix the comparative value and authority of the several editions; which cannot be done effectually, without a knowledge of their dates, their principal differences in point of Contents, and the names and characters of the respective editors. With a view therefore to supply that sort of previous information, the want of which may be objected to so many other modern republications, we shall proceed to lay before the Reader the best account we are able to give of the former Editions of the STATE TRIALS, and shall then explain the Plan of the present Edition.

The First Edition of the STATE TRIALS came out in the year 1719, and was comprized in four volumes folio. It began with the Trial of William Thorpe for Heresy in the 8th of Henry the 4th, and ended with that of Dr. Sacheverell in the latter end of queen Anne's reign. The name of the gentleman, who prepared this Edition, is omitted; but in 1720 the same person published an abridgment of the Work with some additional Trials in eight volumes octavo, under the title of 'Trials for High Treason and other Crimes;' and in 1738 he published a "Critical Review of the State Trials," in one volume folio, which, though it includes a kind of abridgement, is quite a different work from the former: and from the title to this last book it appears, that Mr. Salmon was the first editor of the State Trials at large. As we have had occasion to take notice of Mr. Salmon's Critical Review, and some readers may not be apprized of his character as an author, it may be of use to observe, that however indebted to him the public may be for his industry in first forming a Collection of State Trials, and in afterwards abridging them, there is little obligation to him for some of his remarks upon them. In his political principles apparently an inveterate enemy to the Revolution, he is frequently betrayed by an intemperate zeal into a false notion of characters and opinions, and too often disguises both when the demon of party demands a sacrifice. Thus, a work, which, if it had been executed by one with a mind too liberal to be governed by violent prejudices, and at the same time endowed with the requisite knowledge and judgment, would be a source of the most important instruction, by being prostituted to particular views loses great part of its value, and in some measure becomes a vehicle for the poison of misrepresentation. To this censure of Mr. Salmon, candor and justice require us to add, that, notwithstand-

ing the faults which may be justly imputed to his Critical Review, it is in many respects a very useful work. Considered as a short historical abridgment of the Trials, it is not without a considerable share of merit. Sometimes also he points out the sources, from which various parts of the State Trials are drawn, where the notes to the collection at large are not sufficiently explicit. This kind of information, so very requisite for ascertaining the credit due to each Trial, was such as his situation as first editor of the State Trials must have enabled him to furnish more readily and accurately than almost any other person; and it is to be wished, that he had enlarged further on this head, many explanations being still wanting. Nor should we wholly reject his remarks; for it must be confessed, that those on Trials, which were foreign to the bias of his political tenets, are frequently pertinent, and accompanied with suitable illustrations from the history of the times. Nay, even some of the animadversions, which he makes under the malignant influence of party-spirit, may be deemed not altogether without foundation; and therefore, though it is always necessary to receive them with distrust and caution, yet they ought not to be wholly disregarded, where it is possible to discriminate the shades of truth from the tinge of exaggeration with which they are disguised.

The First Edition of the State Trials was succeeded in the same year by a separate volume, which contained the famous Case of Ship-money, and Harrison's Trial for falsely accusing judge Hutton of High Treason on account of his Opinion against the Crown. In the Preface to the Collection, Mr. Salmon excuses the omission of the former Case by observing, that it was to be found in Rushworth; but many of the Speeches and Arguments are not in his work, and the true reason for the omission appears to have been, that the publishers of the Collection and the proprietors of the Manuscripts from which part of the separate volume was printed, could not agree about the terms.

A Second Edition of the State Trials was published in 1730; and in consequence of the great accession of new matter, the Work became swelled into six volumes folio. The first five volumes comprized the same period as the First Edition, with the exception only of the Proceedings in Parliament against Lord Chief Justice Tresilian and others, in the reign of Richard II. for High Treason, which are a few years earlier in date than the Trial with which the first edition begins. But the differences in other respects were more considerable; for several Trials were transposed in order to render the arrangement more conformable to the due order of time, some additions were made to the Trials in the former Collection, many Trials not contained in that (particularly the Case of Ship-money and Harrison's Trial before mentioned) were interspersed, and the Work was still further augmented by a number of new notes and references. As to the Sixth Volume, it consisted intirely of new matter; being a continuation of the Trials from the death of queen Anne to the end of the reign of George I. with an Appendix of Records relative to the whole Work. Some few other particulars, in which the Second Edition was improved, will be found stated at the end of the very sensible Preface, with which it was introduced to the public. In this Preface, the Editor, after expatiating on the great utility of the State Trials, enters into a consideration of the excellence of our Criminal Law; compares it with the Laws of other European states; and having evinced its superiority by a selection of the most striking instances, he proceeds to point out some of its principal faults and defects; several of which, such as those concerning the *peine fort et dure*, the summoning of Juries, the use of Latin in our Criminal proceedings, and the Fees of gaolers, have been since corrected by the Legislature, as the intelligent reader will easily recollect. This Preface is much admired, and certainly deserves great commendation, as well in respect of the learning displayed in it, as on account of the spirit and judgment of most of the remarks, which, in general, do equal credit to the author's humanity and understanding. However, the Preface is not wholly without exceptionable passages. It distinguishes the civil from the criminal part of our law, in terms highly disrespectful to the former, and with a degree of prejudice unworthy of so good a writer; for whilst he is studious to expose the faults of the civil branch of the English law, he appears quite forgetful of its excellencies. His treatment of our ecclesiastical courts is of the same kind. He points out some particular abuses of their proceedings, and thence seems to infer a general imperfection in their jurisdiction. But this is an inadequate way of deciding upon the merit of

any system of laws, or of any species of judicature. The most excellent institutions could not stand the test of such a partial view; and should it be applied, it would necessarily lead us to a condemnation of that criminal law, which the learned writer himself so highly and so properly extols. These animadversions on the Preface to the Second Edition of the State Trials do not proceed from the least wish to depreciate the merit of its author, being in truth extorted by the occasion; for had they been suppressed, the generality of praise might be extended by some into a concurrence with opinions, from which in fact we cannot withhold our dissent. To this account of the Second Edition of the State Trials, it should be added, that though no name is prefixed either to the title of the work or the preface, the editor is known to have been Mr. Emlyn, the same gentleman, to whose labours the public is so much obliged, for the care and accuracy with which he edited Sir Matthew Hale's History of the Pleas of the Crown, and for the valuable Notes with which he enriched that great work.

The Second Edition of the State Trials was in 1735 followed with two Supplemental Volumes; to the first of which is prefixed a Preface, fully explaining the reasons of this addition, and the materials of which it is composed. In these two volumes there are many important Cases, particularly the Case of Monopolies between the East India Company and Mr. Sandys in the latter end of the reign of Charles II. in which the chief question was, as to the legality of the Company's patent for an exclusive trade to the East Indies. The period of the two volumes is described in their title pages to be from the reign of Edward VI. to the time in which they are published; but in fact, they do not contain any Trial later than the tenth of George I. and therefore should be considered, not as a continuation of the Collection of Trials in the Second Edition, but merely as supplying its omissions. It was not till two or three years after the coming out of the 7th and 8th volumes, that Mr. Salmon published his Critical Review, on which we have already observed so much; and consequently they fall within the compass of his Remarks. A Second Edition of these two supplemental volumes was reprinted in 1766, but without any alteration.

In 1742 a Third Edition of the State Trials was published in six volumes folio. The Trials and Cases in the supplemental volumes to the Second Edition are not comprized in this Third Edition; nor are we aware of any other difference between the two, than a very small addition of Notes, a new disposition of Sir Richard Spotiswood's Trial, the *Quo Warranto* Case, and perhaps a few other Trials, and in the pages.

In 1766 appeared two other volumes of State Trials, being the 9th and 10th. These in point of time principally follow the former Collection, and bring it down to the year 1760; though amongst these Trials there are some of an antecedent period. The first of the two volumes contains a Preface, to which we refer the Reader for a fuller account of their contents.

Having finished our account of the former Editions of the State Trials, we shall now exhibit the outline of the plan of the present Edition.

I. The whole Work will consist nominally of eleven, but will be so printed as to be fit for binding in six volumes folio. The first six will be printed exactly from the Third Edition, and the four next from the four supplemental volumes; with no other difference, than that each of the two columns, into which every page of the present Edition will be divided, will comprize one page of the book from which it is printed, and will be numbered accordingly. By this mode of printing the publishers are enabled to consult cheapness, without sacrificing convenience; for in consequence of it, there will be only one half of the number of sheets, which would be otherwise necessary, and two volumes may be commodiously bound in one; and yet the references to the Third will entirely correspond with the present Edition. It is to be wished, that the pages of all the Editions, so far as they respectively go, had been the same; but this attention to convenience having been hitherto neglected, the most eligible course seems to be to follow the Third Edition, that being the last; and all that can now be done to prevent disappointment, when a reference happens not to answer, is to remind the Reader, that books published before 1730, such as the First Edition of Hawkins's Pleas of the Crown, necessarily refer to the First Edition of the State Trials; those published after 1730, such as Hales's History of the Pleas of the Crown, usually refer to the Second Edition; and those published after 1742, such as Sir William Blackstone's Commentaries, to the Third Edition; with which last the present one will intirely agree. As to

the eleventh volume, it is reserved wholly for additional matter; the design being, that one part of it shall be occupied with a continuation of Trials to the present time; and that the other part shall consist of such materials, as shall seem best calculated to supply any omissions in the former part of the Collection. II. In the present Edition, the Preface to the First Edition, which was afterwards omitted, will be restored; together with that to the Case of Ship-money; and the Preface to the Second Edition, as it was re-printed with the name of Mr. Emlyn to it in the third, will be continued, as will also the Prefaces to the supplemental volumes. The history of a publication is best preserved by inserting all the Prefaces in their due order of time; though they are often omitted in modern editions of books, much to the dissatisfaction of nice and accurate readers. III. The two Alphabetical Tables to this Edition, the one of the Persons tried, of the times and places of their Trial, and of their crimes and punishments, and the other of the matter in general, will extend to all the eleven volumes. This will render a search for any thing in the present Edition less tedious and troublesome, than it is in the Second and Third Editions and their supplemental volumes; to which, in consequence of their being published at different times, there are not less than three distinct sets of tables instead of one.

From this view of the Plan, on which it is determined to conduct the present Edition, it is evident, that it must have very considerable advantages over the best of the former editions. It will be much less chargeable in the purchase; and yet equally commodious in the form, more various and valuable in the contents.

It only remains for the author of this Preface to add a few lines concerning himself, lest he should be deemed further responsible than he means to be. The undertakers of the Edition requested his assistance in suggesting a plan for the conduct of the Work, and in furnishing a Preface. With this request he hath chearfully complied in the best manner he was able; and the result of his endeavours, he readily submits to the correction of the candid reader. But as to the superintendance, revision, and correction of the Work in the printing, they are unavoidably devolved upon others; the writer of this Preface having avocations, which would not leave him at liberty for such a laborious office, even though he was inclined to undertake it. However, the same desire of promoting an important and useful publication, which induced him to give his aid in its first commencement, will secure to the undertakers his advice in its progress and conclusion.

Inner-Temple, October 5, 1775. FRANCIS HARGRAVE.

MR. HARGRAVE'S PREFACE

TO THE ELEVENTH (OR SUPPLEMENTAL) VOLUME OF THE FOURTH EDITION OF THE STATE TRIALS: PRINTED IN THE YEAR 1781.

MY Preface prefixed to the first Volume of this edition of the STATE-TRIALS promised, that the present volume should consist wholly of Trials not contained in any former edition; and I was understood to be the person, who would point out what were the materials proper to be adopted. In conformity to this engagement, I used considerable diligence to discover what Trials were omitted in the period of the former editions, and what Trials of importance have occurred since. But the result of my pursuit for new matter proved very inadequate to my expectation; the industry of former collectors having scarce left any deficiencies, which I could supply without too far passing the line I had prescribed to myself of merely selecting additional Trials. Yet the few, which I have gleaned, may suffice to convince the Reader, that I have not been sparing of research.

In the course of my enquiries for new Trials, I resorted to the British Museum, in hopes, that the immense Collection of Manuscripts in that repository of learning and science would supply me with some new materials of importance; and I was particularly encouraged in this expectation by the promising Titles of various Articles in the Catalogue of Harleian Manuscripts. But I was wholly disappointed; for on examination, the few Trials I met with proved, either too meagre and insignificant to be made use of, or nothing more than mere transcripts from some of our old printed Chronicles. And here I take great pleasure in bearing testimony of the exemplary conduct of those Gentlemen, who by their offices have the superintendance of the Manuscripts and printed Books in the British Museum. Though I have had frequent occasion to give several of those gentlemen much trouble; yet I have ever found them uniformly studious to render the access to the valuable Collections entrusted to them easy and agreeable. I have also had the full opportunity of noticing, that their deportment and attentions to others are of the same obliging kind. So honourable a discharge of their duty well entitles them to some rewards beyond the small emoluments of their respective offices; and I heartily wish, that they may in future attract a greater share of patronage from the great, than they have hitherto experienced.

There is one very striking and capital defect in the former Editions of this Collection; I mean, in the article of Parliamentary Trials, under which head may be included, not only Trials on Impeachments, but Proceedings on Bills of Attainder, and on Bills inflicting Pains and Penalties. In the ten volumes, which constitute the Work as it was before the present Edition, there are not, as I calculate, thirty articles which fall under such a description. Yet from a very imperfect list, which I formed on a slight examination of the Rolls of Parliament, and various other books of Parliamentary information, I found, that many more than a hundred such Trials might be extracted. It was my wish to have supplied this omission; more especially as by so doing, infinite light would be thrown on a subject most interesting to all Lawyers and Politicians; namely, the Criminal Judicature of Parliament. But such a vast undertaking would not only have far exceeded the limits of my engagements to the Proprietors of this Edition of State Trials, but would also have swelled the present Collection greatly beyond the terms of the Proposals to the Subscribers.

Before each Trial in this volume, I have given notice to the Reader whence it is extracted, with such other explanations, as were necessary to enable the forming a judgment on the authority of the Trial. It would have been of no small advantage to the readers, if the Collectors of the former Volumes had been equally explanatory. My introductory Note to some of the Trials in this volume is extended into an illustration of the subject of the Trial; and occasionally I have interspersed similar Notes elsewhere. The fullest annotations of this kind are those prefixed to the Case of Impositions, the Case of the Postnati, the Bankers Case, and the respective Cases of Mr. Whitlock and Mr. Oliver St. John. These and the other Notes I commit to the candid construction of the Reader, with an assurance, that I have endeavoured to form and express my opinions with the utmost impartiality and moderation; and that I shall even think myself obliged by a good-humoured correction of any errors into which I may have fallen.

In the Trials and Cases in this volume, the Reader will find an ample discussion of various great constitutional questions. The Case of Impositions furnishes a profusion of learning on the point so long controverted, 'Whether the king could by prerogative impose Duties at the ports.' In the course, too, of the Arguments on that head, the learned Reader will be pleased to see some important Remarks on the King's Power of laying Embargoes. Some persons, justly of high authority in the present times, have been inclined to restrict the exercise of this power to time of war. But I confess, that I do not see, why the Prerogative should be thus limited. The safety of the state, which is the ground of entrusting the king with the power of laying Embargoes, may require an exercise of it in times both of war and peace; and on the eve of a war it is obviously as necessary as in a war itself. Also, from what I remember having formerly read on the subject, I have little doubt, but that the Precedents and Authorities, whenever they shall be well collected, will be found greatly to preponderate against the distinction I have stated. That profound parliamentary lawyer, Mr. Hakewill, when he was arguing in the House of Commons against the claimed prerogative of Impositions at the ports, candidly admitted the prerogative of Embargoes to the full extent of its principle, and consequently, as I conceive, without restricting its exercise to times of war. Yet he well knew, that the power of shutting up the Ports was one great branch of the argument for the power of taxing at the ports; and also, that the power of laying Embargoes had been often exercised under special acts of parliament. Nor did Mr. St. John, in his Argument against Ship-Money, scruple to admit the power of laying Embargoes, and that it was exerciseable, not merely in times of war, but generally in times of imminent danger, whether arising from war, from dearth, or from any other cause. Perhaps some readers may wonder, that I should be thus unreserved in contending for the prerogative of Embargoes. But I refer such to my Note before the Case of Impositions. They will there find a short but connected view of the various means practised to establish in the crown a power of taxing out of parliament from the Accession of James the first to the Restoration; and I presume to hope, that on a consideration of the freedom, with which I have in that Note animadverted on such unconstitutional attempts, I shall be sufficiently guarded against any suspicion of the least wish to extend the royal prerogative beyond its due limits.—The Irish Case of *Præmunire* must be interesting to every person, who wishes to be informed, in a summary and accurate way, how the Church of Rome gradually encroached on the king's ecclesiastical jurisdiction; and how at length the English church and kingdom were compleatly exonerated from the expence, tyranny, and disgrace of foreign usurpation. My Note at the end of that Case is intended to assist the inquiries of such as may be curious to pursue the subject more in detail.—In the Case of the *Postnati*, the doctrine of Allegiance to the crown is enlarged upon, with a surprizing variety of learning and historical information; tending to explain the relation between England and the countries which at any time before the Accession of the first James had been dependant upon England, or connected with it by being under the dominion of the same prince. To render this great political Case more intelligible, I have prefixed a fuller account of its origin, and all the proceedings in it, than is commonly to be met with; to which I have added a reference to almost every book of consequence likely to supply the

least further information about the case. The Case of Mr. Oliver St. John for writing against Benevolences, deserves attention on account of its connection with the Case of Ship Money and the Case of Impositions. In my Note on Mr. St. John's Case, I have pointed out this connection; and I have therein risqued some remarks on the subject of Benevolences to the crown; with a view to shew, how far they have been condemned and are clearly unlawful.—In the Case of the Bankers, some curious subjects are discussed; more especially the general power of the Crown to alienate its Revenues before the restraining statute of queen Anne: whether some particular Revenues, on account of their special nature, were not privileged and exempt from the Crown's general power of alienating; and whether the Barons of the Exchequer could compel the Lord Treasurer to issue money for payment of the King's Debts, or, in other words, whether the Receipt of the Exchequer is under the controul of the Barons. The most remarkable of the arguments in this famous Case, or, at least, of those which have reached the present times, is lord Somers. It not only unfolds the constitution of the Exchequer with great minuteness; but in other respects is most excellent, having a scope and compass, which will ever render it of infinite value to the profession of the law. So anxious, indeed, was his lordship to sustain his opinion by the most authentic materials, that the Records referred to and stated in his Argument are said to have cost him several hundred pounds. My Note on this Case, explains how it arose, the progress of it, and how the Claims of the Bankers and their Creditors were finally adjusted by act of parliament, with some other particulars, which I thought might be conducive to a thorough understanding of the case, and of the points decided by it.—In respect to the remainder of the Cases in this Volume, most of them relate to very interesting subjects; amongst which the chief are, the effect of Matrimonial Sentences of the Ecclesiastical courts, the extent of the Privilege of Parliament, the question of General Warrants, the question on the Seizure of Papers, the powers claimed by Secretaries of State and Privy Counsellors, the question on the Slavery of Negroes in England, and the power of pressing Mariners. However, some of the early cases I have introduced do, I confess, require an apology; being certainly too loose and imperfect in the statement to deserve the name of Trials. My inducement to insert them was, that I wished to give the reader some proof, how very extensive I was in my enquiries and researches for new matter, to supply the omissions of former collectors; and I do hope, that the Notes which precede short these Accounts of Trials, will be received as a full testimony of my industry in that respect.—Thus much may suffice to apprise the Reader what he is to expect from the contents of the present Volume.

In my Preface to the first Volume of this Edition of STATE TRIALS, I thought, that I had sufficiently explained myself to guard against any responsibility beyond what really belongs to me. But from the manner of placing my name in the title to the Collection, which I now think might have been less ambiguous, a very erroneous notion has prevailed, as to the extent of my very limited share in the undertaking. I therefore deem it proper to be more explicit on this head; and with that view, I here take the opportunity of declaring, that the only parts of the Work for which I am in any respect accountable, exclusive of the present preface, are the preface with my name in the first volume; and the selection of the Trials and Cases for this Volume, with such annotations as I have given in the course of it, particularly those before the several Trials. As to the Trials in the ten preceding Volumes, they were printed literally from the last of the former Editions; nor did I see so much as one sheet of those Volumes before it was printed and published, except only the sheet containing my Preface and the Title to the first volume. I am equally free from responsibility for the Alphabetical and Chronological Tables of all the Trials in this Collection, and for the General Index of Matter; all of which are placed at the end of this Volume. These Tables and Index were prepared by another gentleman. The Chronological Table of the Trials is quite a new accession to the Work; there being no such Table to the former Editions; though the utility of it is apparent, as it in great measure obviates the disadvantage from the disorderly arrangement of many of the Trials in point of time. This disorder was a necessary consequence of continuing the first six Volumes of the Work by Supplemental volumes. The merit of lessening this inconvenience belongs wholly to the framer of the Tables and Index to this edition; that is,

both the proposal of such an improvement and the execution of it originated from him. All that I can pretend to say further concerning the Tables and Index is, that the latter has been executed at a much greater expence than would have been incurred, if I had not made it a particular request to the proprietors of the edition to be liberal in their allowance for so useful and laborious a part of the undertaking; and further, that I have every reason to believe, that the gentleman who compiled the General Index of Matter, has been extremely diligent in endeavouring to render it acceptable.

Brompton-Row, Knightsbridge, Aug. 30, 1781. FRANCIS HARGRAVE.

State Trials.

COBBETT'S

COMPLETE COLLECTION

OF

State Trials.

1. Proceedings against THOMAS BECKET, Archbishop of Canterbury, for High Treason. 9 Henry II. A. D. 1163. [1 Brady's Complete History, 383. 2 Tyrrell, 312.]

THE most satisfactory narrative of these Proceedings is in Brady's History of England. After a short account of the previous life of Becket, he relates several instances of his oppressive, mischievous, and intolerable insolence and usurpation, after he was made Archbishop of Canterbury. He then proceeds thus:

"The king, suspecting he might escape unpunished, commanded the Bishops and great men to meet at Northampton, the 3d day before the feast of Calixtus the Pope (which was the 12th of Oct. Fitz-Stephan (p. 21. col. 1.) says it was on the octaves of St. Michael, that is, on the 6th of October, and that he was there with the Archbishop, *Octavo Sancti Michaelis, feria tertia, Concilii dicta die Rex aderat; ipso die venimus Northamtonam.* — In this Council the Archbishop was accused upon the occasion of a Controversie between him and John Marshall (or the Marshall). This John demanded of the Archbishop a manor or farm, which was a member of one of his towns called Pageham: He came with the king's writ into the Archbishop's Court (to remove the suit, it may be supposed) where he could gain nothing, (as having no right, saith mine Author) and as the law then was, he proved the defect of the Archbishop's Court (that he had not right done him, as may be supposed) and swore upon a Tropar, or Book of Old Songs (as Gervase of Canterbury calls it) which he drew from under his coat; and the Justices of the Archbishop's Court accused him for swearing upon that Book, whereas he ought to have sworn upon the Gospels.—John comes to the king and procures his Writ, by which the Archbishop was required to answer him in the King's Court, and the day appointed for his appearance was Holy-rood Day, or the 14th of September. The Archbishop came not at the day, but sent to the king four knights, with his Letters, and the Letter of the Sheriff of Kent, attesting the injury of John, and the imperfection of his proof (that is, because he had sworn upon the Tropaz, and not upon the Gospels.)—The Monk of Canterbury reports he sent, *duos legales homines per quos excusatus est, Quod citatus non venit ad Regis præsentiam; non enim contemptus fuit, sed infirmitate valida invitus retentus est.* Two lawful men to make his Excuse that he appeared not before the king, that it was not out of contempt, but by reason he was unwillingly detained by great sickness.

"However it was, the king was very angry, that he came not in his own person, to make the Allegations the knights brought, whom he treated with threats, as such that against the kings citation, brought into his Court false and frivolous excuses, and scarce let them go free though they had given security.—At the request of John he appointed another day, to wit, the first day of the Council, and sent his Writ to the Sheriff of Kent to cite the Archbishop, for the king would not write to him, because he would not salute him. Nor had he any other solemn Summons to the Council by Letter, according to ancient Custom. The Archbishop appeared, and said he was come by the king's command for the cause of John. The king replied that John was in his service at London, and would be there on the morrow, and then their cause should be discussed. *Erat siquidem Johannes ille cum Thesauriis, & cæteris fiscalibus pecuniæ & publici æris Receptoribus Londoniis ad Scaccarium, &c. Ubi etiam plucita Coronæ Regis tractantur;* for

this John was amongst the Officers of the Receipt of the Chequer in London, where also pleas of the king's Crown were handled or holden. That first day there was nothing more done between the king and archbishop, the king bad him go home, and return to his cause on the morrow.

" On the second day, before all the Bishops, except the bishop of Rochester and another which were not then come, and all the earls and barons of England, and many of Normandy, *Archiepiscopus lese Majestatis, Coronæ Regiæ arguitur.* The Archbishop was accused of Treason, because as is said before, he was cited by the king in the Cause of John, and neither came, nor made a sufficient excuse. The Archbishop's defence signified nothing; yet he alledged the foresaid Injury of John, the proper Jurisdiction of the Cause, and the Integrity of his Court.

" The king demanded Judgment; no Reason of the Archbishop was approved: it seemed to all, out of reverence to royal majesty, and the bond of liege homage, that the Archbishop made to the king, and from the fidelity and observance of terrene honor, which he had sworn to the king, that he made small Defence; because when cited by the king he neither came, nor by his messengers alledged any corporal infirmity, or necessary administration of any ecclesiastical office, that could not be deferred. And they condemned him, to be in the king's mercy for all his moveable goods.—There was a Difference between the Bishops and Barons, who should pronounce Judgment, each of them imposed it upon other, excusing themselves. The Barons said, you Bishops ought to pronounce sentence, it belongs not to us, we are lay-men, you ecclesiastical persons. So he, you are his fellow priests, and fellow bishops.

" To these things one of the Bishops answered, Yea it is rather your office than ours; for this is not an ecclesiastic Sentence, but a secular, we sit not here as Bishops, but Barons, we are barons, and you are barons; we are peers or equals here, *(pares hic sumus)*. You cannot rely upon our Order, for if you have respect to that in us, you must also have regard to it in him, and then as we are Bishops, we cannot judge our Archbishop and lord.

" The king hearing of this controversie about pronouncing Sentence: it was soon ended, and imposed upon the bishop of Winchester, who unwillingly pronounced it. *Archiepiscopus autem quia sententiæ, vel Recordationi Curiæ Regis Angliæ non licet contradicere, sustinuit, Consilio Episcoporum: addacta ad mitigandum & honorandum regem solenni in manum ejus missione, quasi Concessionis Judicii; ut moris est.* The Archbishop, because no man might contradict a Sentence, or Record made in the king of England's court, by advice of the bishops, submitted to it, and by a forced compliance, for the honour and mitigation of the king, solemnly put himself under his power, as it were granting and acknowledging the Judgment, as the custom was.

" Afterwards, on the same day, he was prosecuted for 300*l.* he had received, as he was Castellan, or Constable of the Castles of Eye in Suffolk, and Berkamstead in Hertfordshire. The Archbishop first waved the Action, by saying he was not cited for that matter. And further said, That he had expended that money, and much more, in the reparations of the Palace of London, and those Castles, as might be seen. The king would not admit he had done this, and exacts Judgment. The Archbishop ready to please the king, and not willing such a sum of money should be the cause of anger between them; gave security by three lay-men, distinctly and severally, the earl of Glocester, William de Eynesford, and another, all his tenants.

" On the third day, he was prosecuted at the king's suit for 500 marks lent him in the Army of Tholose; and for other 500 which he borrowed of a Jew upon the king's security; he was also prosecuted for all the profits of the Archbishoprick and other Bishopricks and Abbeys that were void during his Chancellorship: of all which he was commanded to make an account to the king. The Archbishop said he came not prepared to Answer this matter, nor was he cited concerning it, yet in time and place he would do to his lord the king according to right. The king exacts security upon that; he answered he ought to have the advice of his Suffragans and Clerks about it. The king yielded to it, and he departed. And from that day, neither Barons, nor Knights, came to his house or hostel, to visit him, having understood the king's mind by these proceedings.

" On the fourth day, all the ecclesiastical persons came to the Archbishop's house, where he treated with the Bishops severally and apart, and with the Abbots severally and apart. The bishop of Winchester advised him to offer a Composition in Money, and try the king that way; 2,000 marks were offered but refused. Others encouraged him to maintain bravely the Liberties of the Church, but most persuaded a compliance with the king.

" It is said they consulted very closely on the fifth day, which was Sunday, but the result of their Debates and Counsels not mentioned. On the sixth day the Archbishop fell sick, and the king hearing of it, sent all his earls and many barons, to demand of him his Resolution after these Consultations and Advices, and to know of him whether he would give Security to render an Account of what he received from the vacant Churches in the time of his Chancellorship, and stand to the Judgment of his Court in that matter. The Archbishop answered by the Bishops, That if he was not hindred by sickness, he would on the morrow come to the Court and do what he ought.

" He came next day, and found the king in an inward chamber with the Bishops, who staid with him a long time, and with them

Roger archbishop of York, who came last, that he might not be suspected to be one of the king's private counsellors, and advisers. The Archbishop sat in an outward room with his cross in his own hand, while all his suffragans, and the earls and barons, were called to the king.—The Bishops in this Conference told the king, that the Archbishop when he advised with them, told them, they had used him very ill, and with the Barons treated him as an enemy, and not judged him justly, but after an unheard of manner, because for one absence *(pro una absentia, quam supersisam dicunt)* which they call a Delay or Default, and was not to be judged a Contumacy, they ought not to have condemned him in such a pecuniary mulct as that he should forfeit all his moveable goods to the king, or they should be in his mercy. The Bishops also told him that he had appealed to the Pope against this Sentence, and by the authority of the Pope forbidden them for the future to judge him in any secular accusation.

"The king was very much moved at this relation, and sent the Earls and many Barons, to know of him whether he was the author of this appeal, and prohibition, especially seeing he was his Leige-man, and bound to him by a common and special Oath at Clarendon, 'That he would sincerely and legally observe his legal dignities, amongst which this was one, That the Bishops should be present at all his Trials or Sentences, except at Sentences of Blood. *Ut Episcopi, omnibus ejus assint Judiciis, preterquam Judicio Sanguinis.* They were also to know of him whether he would give pledges to stand to the Judgment of the king's Court concerning the Account of his Chancellorship. To which demands, this was his Answer, 'That he was indeed bound to the king by leige homage, fidelity, and oath, but the oath was chiefly sacerdotal; That in respect of God, he was in all due obedience and subjection, obliged to observe honor and fidelity toward him. Saving his obedience to God, his ecclesiastical dignity, and the episcopal honor of his person. That he declined the Suit, because he was not cited to yield an Account upon any other Cause, than that of John; neither was he bound to make Answer, or hear Judgment in any other. He confessed he had received many Administrations and Dignities from the king, in which he had faithfully served him, as well in England, as beyond sea, and had spent his own revenue in his service, and for the same contracted many debts. As to his putting in pledges or fidejussors to render an Account, he ought not to be compelled to that, because he was not adjudged to do it; nor had he any citation in the cause of Account, or any other except that of John the Marshal. And as to the Prohibition he that day made to the Bishops, and Appeal, he did acknowledge, that he said to his fellow bishops, That for one Absence, but not Contumacy, they had unjustly condemned him, contrary to the custom and example of antiquity, wherefore he appealed and forbad them, That depending the Appeal, they should not judge him in a Secular Accusation, or cause of things done, before he was Archbishop. And that he did then appeal, and put his person and the Church of Canterbury under the protection of God, and the lord the Pope.

"The king having received this Answer, urged the Bishops, by the homage they had done, and the fealty they had sworn to him, that together with the Barons, They would dictate to him a Sentence concerning the Archbishop, *Ut simul cum Baronibus de Archiepiscopo sibi dictent Sententiam.* They began to excuse themselves by reason of his Prohibition; the king was not satisfied, and said this his simple Prohibition ought not to hold against what was done and sworn at Clarendon. They reply, if they should not obey his Prohibition, he would censure them, and that for the good of the king and kingdom, they should obey the Prohibition. At length by the king's persuasion they went to the Archbishop.—And the Bishop of Chichester told him that lately at Clarendon, they were by the king called together, concerning the observation of his Royal Dignities, and lest they might doubt what they were, he shewed them those very Royal Customs of which he spake, in writing, and that they promised their assent to, and observation of them. He first, and afterwards his suffragans, by his command. And when the king pressed them to swear to what they promised, and set to their seals for the confirmation of it, they answered, it ought to suffice for a Sacerdotal Oath, That they said 'in the Word of Truth, in good faith, without deceit, and lawfully,' they would observe them. Why do you now forbid us to be present at that Sentence, which he commands us? Upon this Grievance, and lest you may add any thing to our injury, we will appeal to the Pope, and for this time give obedience to your Prohibition.

"The Archbishop answered him he would be present at the prosecution of the Appeal, and that there was nothing done at Clarendon by them or him, *(nisi salvo honore Ecclesiastico)* in which their Ecclesiastic honor was not saved. 'Twas true, he said, that they promised, in good faith, without deceit, and lawfully, to observe those Determinations, and by those words, the Dignities of their Churches, which they received by the Pontifical law, were safe. For whatsoever was against the true faith of the Church, and against the laws of God, could not *in bonâ fide, & legitime observari;* in good faith, and lawfully be observed. Also a Christian king hath no Dignity; by the use whereof the liberty of the Church, which he hath sworn to maintain, must perish. Further, those which you call Royal Dignities, were sent to the Pope to be confirmed, and brought back, rather disallowed than allowed by him: he hath shewn us an example, and taught us that we should do so, being ready with the Roman Church, to receive what that receives, and to refuse what that refuseth. Yet further, if we failed in any thing at Clarendon, 'for the flesh is weak,' we

ought to take courage, and by the virtue of the Holy Spirit to strive against the old Enemy, who endeavours, 'that he which stands may fall, and that he which hath fallen may not rise.' If we promised any injust things there, or confirmed them in the Word of Truth, you know, such unlawful stipulations do not oblige.

"The Bishops return to the king in peace, being excused from judging the Archbishop; they sit apart from the Barons; nevertheless, the king exacts Judgment of the Earls and Barons concerning him. *Evocantur quidam Vicecomites, & secundæ dignitatis Barones, antiqui dierum, ut addantur eis, & assint Judicio.* Certain Sheriffs are called, and ancient Barons of a second Rank or Dignity, to be added to them, and to sit in Judgment, after a little while, *Proceres ad Archiepiscopum redeunt.* The noblemen return to the Archbishop, and the earl of Leicester pressing some of them to pronounce Sentence, who refused it; began to repeal the business of Clarendon very particularly, as the Bishop of Chichester had done before. *Quasi inde manifesta erat regiæ majestatis læsio, & promissionis in verbo veritatis ibi factæ transgressio,* as if he had been guilty of manifest Treason, or had broken his promise in *verbo veritatis* there made, and had the Archbishop hear his Sentence.—But the Archbishop not willing to forbear any longer, said, 'What is it that ye will do? Come ye to judge me? ye ought not. *Judicium est sententia lata post Contraversiam. Ego hodie nichil dixi ut in Causa.* Judgment is Sentence given after the Controversie or Tryal. I said nothing this day as to the Cause. I have been cited for no Cause except that of John, who tried it not with me, and therefore you cannot judge me. I am your father, ye are noblemen of the Court, of lay power, secular persons, I will not hear your Judgment.' The noblemen retired, and the Archbishop went his way to the Monastery of St. Andrews in Northampton, and Herbert and William Fitz-Stephan with him.

"The king hearing of his departure, caused proclamation to be made in the streets, That no man should give him, or any of his retinue ill language, or molest them any ways. After supper that night, he sent three Bishops to ask licence and safe conduct from the king for his departure, who told them they should have his Answer in the morning; but he fearing some ill from that delay, dare not stay.—This was the seventh day of his appearing in Court, and that night, he went away without Licence, only accompanied with two servants, without either clerk or knight. On the morrow, when his flight was known to the king and all the council, they considered what was needful to be done, and the Archbishop was permitted to enjoy all the revenues of the Church of Canterbury, because both sides had appealed. The king sent presently beyond sea to the pope, the archbishop of York, and four bishops, Gilbert of London, Hilary of Chichester, Bartholomew of Exeter, Roger of Worcester, and two earls, and two Barons with three of his domestic clerks. The rest of that day was spent about raising some foot to be sent against Rese king of Wales, and there was a certain number promised by every ecclesiastic, and lay person, for the king's assistance, which was written down; and so the Council was dissolved.—The king sent after him to Dover and other ports, but he lay still in the day time amongst his friends in several Monasteries, and travelled in the night, and it was from 15 days after the Feast of St. Michael until the 2nd of November, before he took ship at Sandwich (say most of the Historians) and landed at Graveling."

"Quadrilogus or the Quadripartite History doth not in all things agree with this relation of Thomas the Archbishop's Trial. And the reasons of the discord between the king and him. The chief whereof was, That several lewd irregular Clerks were accused of divers crimes, and one of Murther in the diocese of Salisbury, who was taken and delivered to the bishop thereof, the king's officers, and the kindred of the defunct, call for Justice. The priest denies the fact; which, not being proved by his Accusers, he was put upon Canonical purgation, in which he failed. The Bishop of the diocese, sent to the Archbishop to know the law in that case, who commanded he should be deprived of his benefice, and all his life perform strict penance in a Monastery. And thus all debauched, infamous Clerks, by Decree of the Archbishop, confirmed by the sanction of Canons, were to be punished in his Province, and the Punishment to be greater or less according to the quantity of the crime, the degree and order of the person, and the manner and cause of perpetration.

"At the same time one Philip de Lydrois a Canon (of what Church it is not said) reproached the king's Justiciarie, for which he was not only exasperated against him, but the whole clergy. The Archbishop punished this Clerk, by causing him to be whipped with rods, and he was suspended from his benefice for some years. But this satisfied not the king, who was as zealous for the peace of his people, as the Archbishop was for the liberty of the clergy, who grew every day more dissolute all the kingdom over. For which cause, the king calls the Archbishop, Bishops and Clergy to London.—And having told them the cause of their being called together, and urgently pressed, that Clerks taken for, or accused of enormous crimes, might be left to his officers, and not have the protection of the Church. He most earnestly required, by advice of such as had skill in both laws, That such Clerks might presently be degraded and delivered to the Court, whence some very learned men by reason of the king's favour did affirm, That they were not to be sent into exile, or thrust into a monasterie, by the Canon Law, but rather were to be delivered to the Court, that is, they were to be punished by Secular Judgment.

"The Archbishop with the Bishops of his province, having consulted their learned men, being much concerned for the Liberty of the

Clergy, answered to these things, clearly and probably, or perhaps by proof *(inculenter satis & probabiliter respondet)* according to the Canonical Institution of antient Fathers. And in the end of his Speech with much devotion, beseeched his royal clemency, 'That he would not under a new king Christ, and under a new law of Christ, introduce into a new and peculiar Lot of the Lord, contrary to the Decrees of the Antient Fathers, a new way of coercion into his own kingdom, and this he begged for the king's sake, and the quiet and stability of his kingdom, often humbly inculcating, that he neither could or would bear it.—But the king, not moved with his importunity, demanded more earnestly whether he and the Bishops would observe his royal laws and customs, adding that in his grandfather's time they were observed by the archbishops, bishops, chief men, and privileged persons, and that now they ought not to be set aside. The Archbishop, after Consultation with his brethren, answered they would observe them, *salvo ordine suo;* and the bishops being asked one by one, gave the same answer, only Hilary bishop of Chichester changed the phrase, saying, he would observe the king's customs or laws *(bona fide)* in good faith; the king was angry at the Answer, and reservation of the Archbishop and other Bishops, and departed from them.—Most of the Bishops desert the Archbishop, and he a long time persists in his denial, notwithstanding all the exhortations of them, and persuasions of the secular great men; yet at length he came to the king at Oxford, and promised to change those words *(salvo ordine suo)* saving his Order, which gave him so much trouble.

"Hereupon the king called the Bishops and great men to Clarendon, where he exacted the promises of the Archbishop and Bishops, and by the persuasion of the bishop of Man and Norwich, and two of the greatest earls of the nation, and other great persons sent from the king, he promised, *bona fide*, and in *verbo veritatis*, in good faith, and in the word of truth, to observe the king's laws, leaving out the words, *salvo ordine suo*, and all the Bishops did the like, and then those Royal Customs were drawn up in form, and caused to be written by the great men, and recognized by them. —In this Council the king requires the Archbishop and Bishops to confirm their acknowledgment of his laws, by putting thereunto their seals: the Archbishop repents him of his promise, and refuseth to do it, and resolved to go privately unto the Pope, which he attempted, and having been twice at sea, was both times driven back.—This attempt much heightened the king's displeasure against him, and he caused him peremptorily to be cited, at a certain day to answer such things as should be objected against him. The king also by a strict Edict called together all the Bishops and great men of the kingdom to meet at Northampton, where the Archbishop appeared not in person, according to his Citation, though he sent his Answer and Excuse; for which cause, by the Judgment of all those Bishops and great men, all his movables were confiscated. This he said was a new form of Judgment, according to the new Canons, or Laws made at Clarendon, for it was never heard of before, that the Archbishop of Canterbury should be tried in the king's Court for any cause whatsoever, both in respect of the dignity of his church and person, and that because he was spiritual father of the king, and of all in the kingdom; but he complained more of his brethren and fellow-bishops, than he did of the Judgment, or the lay persons judging of him, &c. *veruntamen multo magis quam de judicio, vel de proceribus judicantibus, de confratribus suis & coepiscopis querebatur, novam formam & ordinem judiciorum dictos invenisse; ut Archipræsul à suis suffraganeis, aut pater à filiis judicetur.*

"The king in the second day of this Council required 500*l.* of the Archbishop, which he said he had borrowed of him: the Archbishop affirmed the king gave him the money, which notwithstanding, when he could not prove it, was adjudged against him, and the king exacted caution, and the Archbishop making some delay, it was told him, he must either pay the money or go to prison. But some men seeing his friends and suffragans forsake him, voluntarily offered themselves as sureties for him, and five (not there named) became bound, every one in an hundred pounds.

"On the last day of the Council before he entered into the Court, the Bishops came to him astonished, and affrighted at the things they had heard, whence they did not openly for any enormity, but as it were by way of insinuation artificially persuade him, That he should in all things, even to what belonged to the Archbishopric submit himself to the king's pleasure, if he could so appease his wrath and indignation. Adding, That unless he did it, he would be accused of Perjury, and judged as a Traytor, because he had not observed his Oath of Fealty or Fidelity he had sworn to the king, by which he was bound to maintain his terrene honor; nor had observed the king's customs or laws, to which he had specially bound himself by a new oath. He was not much dismayed, that the world so frowned on him, but that which was to him most detestable above all things was, that he collected from the words of the bishops, that they were ready to judge him not only in civil, but also in criminal causes in a secular court. And therefore he forbad them all, by virtue of holy Obedience, and under peril of their Order, That they for the future should not be present in Court when his person was judged. And that they might not do it, he appealed to their Mother the Roman Church, the refuge of all oppressed. But notwithstanding what he said, all the bishops hastened to the court except two, London, and Winchester, who privately staid behind and comforted him.

"After this he went into the king's Chamber

carrying the Cross himself erected, expecting the king's coming: The Bishops dissuaded this, as an undecent posture, and would not that he should have proceded after this manner. The king took notice of it, and by Out-Crie or Proclamation made by an Herald, called together all the Bishops and great men, to whom he made a great and grievous complaint, that the Archbishop had in reproach of himself, and the kingdom or government, so entered the Court as a notable Traitor, and so insolently, as no Christian prince had ever seen or heard of the like behaviour. All were of the king's opinion, declaring him always a vain and proud man, and that such ignominy not only reflected upon the king and kingdom, but upon themselves also, and said it had worthily happened to him, who had made such a man the second person in the kingdom; to whom all were subject and none his equal. Therefore they all declared him a manifest Traitor, and to be punished accordingly, who had not according to his Oath observed terrene honor toward his prince, from whom he had received so many and so great advantages, but rather in this fact, had impressed upon the king and kingdom, a perpetual mark of Treason, *sed potius in hoc facto, & Regi & Regno perpetuam proditionis Maculam impressisset,* (they are the Author's words) and therefore he ought to be punished as the king's perjured man, and Traitor, and this was the voice of them all, *& propterea in eum tanquam in Regis perjurum, & proditorem animadvertendum, & super hoc clamor omnium invalescebat.*

" The Bishops, by leave from the king, consulted apart, for they were either to incur his indignation, or with the great men, in a Criminal Cause, to condemn their Archbishop, which for the manifest violation of holy Sanctions or Canons, they dare not do. At length the matter was thus patch'd up by common council or contrivance of the Bishops; That they would appeal the Archbishop of perjury in the court of Rome, and bound themselves to the king in the word of truth, That they would use their utmost endeavour to depose him. Having thus obliged themselves to the king, they all went from him to the Archbishop, and Hilary bishop of Chichester, in the name, of the rest, told him, That he had been their Archbishop, and then they were bound to obey him. But because he had sworn fealty to the king, and did endeavour to destroy his laws and customs, especially such as belonged to his terrene dignity and honor, therefore they declared him Guilty of perjury, and that for the future they were not to obey a perjured Archbishop. And therefore put themselves, and what was theirs, under the Pope's protection, and appealed to his presence, and appointed him a day to answer these matters.

" The king and chief men, (without the Bishops) sitting in Judgment, *Rege cum principibus (pontificibus substractis) sedente pro Tribunali,* it was most certainly believed, the Archbishop would have been imprisoned, or somewhat worse have been done to him; for the king and all the great men that were present, judged him perjured and a traitor. And the Earls and Barons and much company went from the king to the Archbishop, of whom the chiefest person, Robert earl of Leicester, told him, he was to come and answer what was objected against him, as he had promised to do the day before, or he must hear his Sentence; he rising up said, 'Sentence! yea son Earl, hear you, when the Church of Canterbury was given to me, I asked what manner of person that would make me, and it was answered free and exempt from the King's Court. *Et responsum est, liberum & quietum ab omni nexu Curiali me redderet.* Free therefore and absolute as I am, I will not, nor am I bound to answer to those things from which I am exempt.' And then added, 'My son Earl, observe, by how much the soul is more worthy than the body, by so much the more I am to obey God than a terrene prince. But neither law nor reason, permits that children or sons should condemn or judge their fathers, and therefore I decline the sentence of the king, yourself, and others, as being to be judged under God alone, by the Pope.' *Unde Regis et tuum et aliorum Judicium declino, sub Deo solo a Domino Papa judicandus.* To whose presence I do, before you all, appeal, putting both the dignity and order of the Church of Canterbury, and my own, with all things belonging unto them, under God's protection and his. Nevertheless you my Brethren and fellow-Bishops, because you obey man rather than God, I call you to the Audience and Judgment of the Pope; and as from the enemies of the Catholic Church, by authority of the Apostolic See, I retire from hence.—And so made his Escape, as hath been before related."

The severe and lasting evils to the King, the Archbishop, and the English nation, which followed these transactions, are circumstantially related in lord Lyttleton's History of the Reign of Henry 2.

2. Articles of Accusation against HUBERT DE BURGH, with the Answers of Master Laurence, clerk, of St. Albans, on behalf of Hubert de Burgh, earl of Kent, against whom our Lord the King had advanced certain very heavy Charges. 23 Hen. III. A. D. 1239. [Matth. Paris's Hist. 516, and Additamenta, 151. 1 Brady, Appendix, No. 152.]

WHEREAS, a day had been assigned to Hubert de Burgh, earl of Kent, on the eighth day after the day of St. John the Baptist, in the 23rd year of his majesty's reign, to answer to our lord the king, what amends he should make to him for not having delivered him the money received for the marriage of Richard de Clare, on the day by the said lord the king to him given, according to the Agreement between them made, or according to the judgment of his peers. And that our lord the king had required of him, that he should pay to him the said amends; and he had not done the same. The underwritten trespasses, together with those aforesaid, were, on the behalf of our lord the king, laid before him that he might make Answer thereunto. To which the said earl made answer, That, as to these matters, no day had been given to him. And farthermore he added that, on any reasonable day to be fixed, he would give satisfaction to his lord the king, or would abide by the judgment of his peers concerning the premises. And he prayed that the lord the king would set forth before him, in writing, the several Articles to which he is required to make Answer.

[Here seems to be some omission.]

As to this, the Earl answers, that he appeared on each of the days assigned to him by his lord the king, and in no respect sought delay; but always observed the day appointed unto him by the will of our lord the king. Whereby it appears to him, all the days assigned to him for appearance, after his being at Kenentone, should be taken as to his case to be as one day. And he is still ready to submit to the judgment of his peers, that neither he, nor any one on his behalf, ever interfered concerning the said marriage, after the oath which he made at Gloster, that he would not interfere in the same; nor doth he know, nor hath he ever known, any thing about the said marriage, other than by the mere information of the Countess, his wife, who informed him, that the said marriage was contracted at St. Edmund's, while the earl was at Mertone. And if this shall not be sufficient he will make further answer; and he is ready to do herein whatever his peers shall think fit.

1. The first Article is, "That his lord the king requires of him, An account of all the revenue of the kingdom, for the 14 years next following the death of king John, his father, from which time he took upon him the keeping and management of the same, without any authority from his father the lord John the king, and without the assent of the lord Gwalla, then legate, who, by the common consent and provision of the whole realm, after the death of the Marshall, was first counsellor and chief administrator of the whole realm of England."—To this he made Answer, That certain persons were deputed to answer concerning the profits of the realm; to wit, the treasurer and chamberlains, wherefore, after the death of Eustace de Faucumberg, bishop of London, and treasurer, it was required, that his Account should be answered to, and it was answered to. Afterwards, an account of the whole profits of the realm was required from the bishop of Carlisle, as being receiver-general, and he accordingly sat down and gave the said Account.—Afterwards, an Account was required from Peter de Rivallis; but from the Justiciar an Account should never be required, because he is not the receiver of the profits of the realm. Whereby it appears, that he who receives nothing, is in nothing held answerable. And he says, that the lord king John committed to him the office of Justiciar at Runnengemede, in presence of the lord Stephen, archbishop of Canterbury, earl of Warren, earl de Ferrars, and other great men of the nation; and he continued Justiciar throughout the whole time of king John. But it happened, that the castle of Dover, at the time of the invasion of king Louis, was esteemed to be untenable. Into this castle he entered, when few were found who were willing so to do, unless he would place his own person there; and, during the continuance of that war, he was unable to leave that castle, or to execute the office of Justiciar.—But, king John dying in time of war, Marshall was appointed governor of the king, and of the kingdom, by the advice of Gwalla, then legate, and of the great men of the kingdom, who, at that time, were with our lord the king. And after the return of peace, the said Marshall remained governor of the king and kingdom, and the said Hubert Justiciar, without any opposition. And after the death of Marshall, by the advice of Gwalla, then legate, of Stephen, archbishop of Canterbury, of the bishops and great men of the land, he continued Justiciar without any opposition; and our lord the Pope always wrote to him as Justiciar, and so he was always esteemed by the church, and by the kingdom, as Justiciar con-

stituted by John the lord the king. And so it plainly appears, that he did not take the office of Justiciar but by the commission of his lord king John, and the assent of lord Gwalla; and if this be not sufficient, he will make farther Answer; and upon this he is ready to do what his peers shall adjudge; and moreover, if he ought to make Answer, he has the charter of our lord the king, absolving him from the premises, which he proffers, and which was made in the 15th year of the reign of king Henry.

2. "Concerning the collection of a whole Fifteenth, which, according to the great council of the whole kingdom, ought to have been kept and held in deposit, and so that no part of it should have been taken until the arrival at age of our lord the king, unless under the inspection of six bishops and six earls specially appointed for the purpose; nor so but for the defence of the kingdom; the amount of which was about 89,000 marks of silver."—*Answer.* The lords bishops of Salisbury and Bath received the said money by direction of the great council of the kingdom, and gave in their account concerning the same, and were discharged therefrom by the letters of our lord the king. By which it doth not appear that he ought to answer at all as to this matter, since other persons have been acquitted for the same, as appears by the rolls of the exchequer and by the letters patent of our lord the king, which are in the treasury; and therefore, as he has received no part of the said money, he is not bound to answer concerning the same; and if this, &c. and upon, &c. and moreover, he has the charter of our lord the king, which &c.

3. "Concerning the territory in Poitou, of which king John died seised, and of which our lord the king, that now is, had seisin, when the said earl took upon him the custody of the realm; to wit, the territory of Rochelle, Niort, and St. John, who, when he ought, for the rescue of those territories, to have sent treasure and corn, sent barrels filled with stones and sand, so that when the barons and great men of our lord the king, and the burgesses, perceived that default, they abandoned the homage and service of our lord the king, and turned themselves to the enemies of our lord the king, by means whereof our lord the king lost Poitou."—*Answer.* He never sent such barrels as are spoken of, and this he will maintain in any manner that his peers shall adjudge; but by the advice of the great men of England there were sent to the defence of Rochelle upwards of one hundred knights, and very many attendants, who were there with our lord the king, until the citizens and people of that land revolted from the homage of our lord the king, so that Rochelle was not lost by his negligence, or the negligence of the soldiers there being, because, against their will, the citizens delivered up the territory to the king of the French. And this manifestly appears, because, though the knights of our lord the king were in the town, the citizens removed them from their council, and made peace, without the soldiers, upon condition that the soldiers should be at liberty to retire with safety to their persons and with their harness. Moreover, Rochelle was lost through the excesses of Falco, (Falcasius de Breaut,) which Falco and his people rose against our lord the king while Rochelle was besieged; which Falco also, by his brother William, caused Henry of Braybroc, Justiciar in eyre of our lord the king, to be seized; on account of whose seizure and other unjust doings of the said Falco, it became necessary that the king and nobles should besiege the castle of Bedford (according to Brady, Bereford) by the advice of the archbishops, bishops, and nobles of the land, which bishops also there excommunicated Falco, whereby the guilt of the said Falco manifestly appears; otherwise they would not have excommunicated him. And if Falco had escaped with impunity, and the castle had not been taken, the kingdom would have been more disturbed than it was; and if, &c. and upon, &c.

4. "That while our lord the king was under age, and it was necessary to succour Poitou, and the king's army should have gone to Poitou, the earl caused the castle of Bedford to be besieged, where our lord the king and his great men of England expended a very large quantity of money before it was taken. And when it was taken, he caused it to be pulled down and given to William de Beauchamp, from whom our lord king John had taken that castle in war, and whereof the said king John was seised when he died."—*Answer.* The said castle was not besieged by him only, but by the direction of the great council of the kingdom, and by reason of the misconduct of Falco and his adherents, because he caused Henry de Braybroc, the Justiciar of our lord the king, to be seized by William de Breaute, his brother. By reason whereof our lord the king sent his letters often and again to the said Falco for the release of his Justiciar, and his brother would not do any thing in obedience to these letters. The king also sent his letters to William de Breaute, who answered, that he would not restore the said Henry without his brother, and that his brother would well avow what he did. Wherefore the lord the king, having holden a council with his great men, proceeded as far as Bedford, and sent Peter Fitz-Herbert, and Alan Basset, to those who were in the castle, desiring that they would deliver Henry de Braybroc, his Justiciar, whom they kept imprisoned, and that they would come to make amends for the offence in the caption of the said Justiciar of the lord the king; and they answered, that they would do nothing for the lord the king, and that they would detain the said Henry, and would seize more if they could; wherefore, by the advice of the great men of England, the castle was besieged, taken, and destroyed. And, being destroyed, the site of the castle was given to William de Beauchamp by the advice of the great men of England for this reason, that in the treaty of peace, made be-

tween the lord the king and the lord Louis and barons, it was agreed, that each should hold the same possessions which he had at the beginning of the war; and the lord Gwalla the legate, the archbishop and bishops, excommunicated all who should violate that treaty of peace; and because the said William had always claimed from the said Falco the said castle as his right, but could not obtain the same, until it was taken by the lord the king; the same lord the king, on account of the treaty of peace which had been made, and through fear of the sentence which had been pronounced, restored to him the scite of the castle to be held in the same manner as his ancestors had held it, as appears in the Rolls of the lord the king; and the said William gave of his property to the lord the king, that he might have such seisin; and if this, &c. and upon this, &c.

5. "That he had sent messengers to Rome, and before the lord the king was of full age, had obtained that he should be of full age, as if this had been for the advantage of the lord the king, and by authority of this his age, had caused to be granted, by charter to himself, lands which had been of Henry de Essex, and many other lands, dignities, and franchises, of which, by his own authority, he took possession after the death of king John, and of which the said king John died seised, as he also caused to be given and confirmed to religious persons, ecclesiastics and others, many lands and franchises and other things, to the lessening and great detriment of the dignity of the lord the king and his crown."—*Answer.* He did not send messengers to Rome, but the bishop of Winchester sent to Rome William de St. Albans for the said business, more to the damage of the said Hubert than to his advantage, that he and others might render up their charges, and so it was done at Northampton. Afterwards, by the common advice of the archbishops and bishops, it was provided, that the king should have a seal, and that writs should run in his name, that so he might be of more awe and greater authority in the kingdom. Afterwards, licence of his age was obtained at the suggestion of the archbishops, bishops, earls, and barons, from pope Honorius, for they suggested to the pope, that his prudence and discretion supplied his age, as is contained in the permission of pope Honorius, which begins thus: "Although, to this time, the youth of our most dear son in Christ, Henry, the illustrious king of England, is computed by his years, yet, because, as we have heard and rejoice at, he has acquired a manly mind, and because his prudence exceeds his age, so that he seems to make up in the virtue of discretion what he wants in number of years; from this time he is not to be forbidden to make useful dispositions concerning his kingdom, and the affairs of his kingdom; and, therefore, we command by this apostolic writing, as with our venerable brother, the bishop of Winchester, and the noble persons, the Justiciar of England and William de Brawera, we give in command by our letters, that henceforward they commit to him the full and quiet government of his kingdom;" and to the earl of Chester he wrote in this manner: "By this apostolic writing we order and command, that now you commit to him the government of his kingdom, and, without any difficulty, resign to him, and procure to be resigned by others, the lands and castles which you hold in the name of guardianship." In the same words he wrote to the bishop of Winchester: but to the chancellor he wrote thus: "By this apostolic writing we command, for as much as you have the seal of the said king, and the custody thereof, that from henceforward you will use the same according to his good pleasure, and with respect to it, only follow and obey him; and for the future cause no letters to be sealed with the royal seal, but according to his will." As to the land of Henry de Essex, he says, that the lord the king of his grace, when he was of full age, and after the chancellor, by the direction of the lord the Pope, obeyed him, only gave him, by charter, that land, and also restored him the land as his right after he came to his peace; and if this, &c. and upon this, &c.

6. "That whereas the lord William, king of Scotland, formerly delivered to the lord king John his two daughters, the elder *(a)* of whom was to be married to the lord the king, or to earl Richard, if the lord the king should die; and for which marriage the same king William released king John all his right which he had in the lands of Cumberland, Westmoreland, and Northumberland; and besides, gave to him 15,000 marks in silver; he, before the lord the king was of such age as to be able to determine whether he would take her to wife or not, married her; so that, when the lord the king came of age, he was obliged to give the king of Scotland who now is, 800 oxgangs of land for the release of the lands aforesaid, because the first agreement had not been observed, and thus, notwithstanding he had before married the countess of Gloster, who had formerly been betrothed to the lord king John while he was earl, and whom king John had committed to his custody, and whose marriage he had formerly sold to G. de Mandeville for 20,000 marks, whereby each of them was connected in a certain degree of consanguinity.'—*Answer.* He never knew of the agreement entered into by the two kings; to wit, about the marriage to be had with the lord the king, or

(a) Matthew Paris says, that at the time of Hubert's former disgrace, in 1232, the king had accused him, among other things, of debauching the daughter of the king of Scots, (whom king John had delivered into his custody with the design of marrying her,) and of traiterously cohabiting with her and having children by her in fornication, and of marrying her in the hope of succeeding to the kingdom of Scotland if he should survive her brother.

this grant without cause, and to give to the said Hugh the father, for his own profit, the guard of those lands; and also had defeated by evil counsel what the king had granted in his parliaments by good advice, and by assent of the peers of the land, to the dishonour of the king, and against right and reason.—10. Also, that they would not suffer the king to take reasonable fines of the peers of the land and others, when they entered and received their fees, as it had been used before that time: but by covetousness, to get such lands by the royal power they had gained, they caused undue impeachments to be brought, surmising the land was forfeit, as of sir John de Mowbray for the lands of Gower, and of others, to the damage and dishonour of the king, and contrary to the law of the land, in disheritance of the great men and others. Also making the king do against his oath in parliament.—11. Also by wicked covetousness and power royal they will not suffer the king to hear or do right to the great men, upon what they presented to him, for himself and themselves touching the disheriting the crown and them touching the lands which were the Templers. Also by usurped power royal they governed the king, his council, and his prelates, that in matters concerning them and their friends, or which they undertook, no right could be obtained but according to their pleasure; to the damage and dishonour of the king, the peril of his oath, and disheritance and destruction to the people of his realm.—12. Also bishops, abbots, and priors elect, who ought to be received of the king when duly elected, cannot come near him, nor speak with him to obtain his favour, until they have agreed and made fine with sir Hugh the son according to his pleasure; nor any that had any grant to ask of the king could obtain it, before they had made fine with him.—Which wickednesses are notorious and true, as it is found by the examination of the earls, barons, and other peers of the land: Wherefore we peers of the land, earls and barons, in the presence of our lord the king, do award, That Hugh le Despenser the son, and Hugh le Despenser the father, shall be disherited for ever, as disheriters of the crown, and enemies to the king and his people, and to be banished the kingdom of England, never to return again, 'unless it be by the assent of the king, and by the assent of the prelates, earls, and barons in parliament duly summoned;' to avoid the realm between that time and the feast of the decollation of St. John Baptist, or 29th of August next coming; and if found in England after that day, or if they returned after that day, then to be done unto as to the enemies of the king and kingdom."—This in the printed copy is called, *Exilium Hugonis le Despenser, patri & filii;* the Banishment of Hugh Despenser, father and son.

These Articles appear to have been admitted and taken for granted, without any direct proof, as the manner then was to proceed in parliament.

After they had by force obtained these things, and in this manner, they bethought themselves of some security for what they had done, setting forth, That they could not be obtained by process of law, for that the two Despensers usurping royal power, and having the king and his ministers, and the direction of the law at their devotion, or in their power, the great men of the land made a Confederacy by oath, writing, and in other manner, without the king's leave; and then they and others, with horse and arms, marched against others, with the king's and their own arms displayed, and took and seized upon castles, towns, manors, lands, tenements, goods and chattels of the king's liege subjects; and others of them they took and imprisoned, others they ransomed, and some they killed, and did many other things, in destroying the said Hugh and Hugh, and their allies and others, in England, Wales, and the Marches, of which some may be called felonies; which things having been so done by necessity, ought not to be taken notice of, or punished by law, nor can be without great trouble or hazard of war. These great men pray the king for peace sake, for the assuaging of anger and rancour, and making unity in the land, and that he may more entirely have the hearts and good will of his people to defend his own countries, and offend his enemies; that it might be accorded and assented to in full parliament, by the king, prelates, earls, barons, and commons *(& la comon de royalm)* that no great men of the realm, Prelate, Earl, Baron, Knight, Clerk, or Esquire for the Confederacy made by oath, writing, or in other manner, or for riding with the king's, or other arms displayed, nor for the taking, possessing, or detaining of castles, towns, manors, lands, tenements, goods, or chattels, the taking, imprisoning, and ransoming the king's liege-people, or for killing of men, other robberies, felonies, or other things done against the king's peace, which may be judged trespasses or felonies, from the beginning of the world to that day; and other people of what condition soever they were, for the trespasses and felonies aforesaid committed since Candlemas last past to that day, should not be impeached, grieved, or molested at the suit of the king or any other. But of all such things, by this statute and accord should be quit for ever, saving to every one, except the said Hugh and Hugh, their right to demand and recover their frank tenement, and their right, without punishment from the king, or giving damages to the party. And also, That it may be granted by the king in the said parliament, that if any earl, baron, or any great man, for themselves or others, whom they shall name to the chancellor, between this and St. Michael next coming, will have the king's pardon of sute of the peace, or what pertains to him, of all manner of felonies and trespasses done contrary to the peace; or of disobediences, contempts, conspiracies, confederations, privy covenants, and obligations, made against the king, should have their charter of pardon,

without paying fees in the Chancery; and that all such writings where-ever found to be null. This was granted, and hath this title in print, *Ne quis occasionetur pro feloniis seu transgressionibus factis in prosecutione Hugonis le Despenser, patris & filii*, That no man may be prosecuted for the felonies and transgressions committed in the prosecution of Hugh Despenser father and son: and there follows a charter of pardon granted to the earl of Hereford, according to this accord; dated the 20th of August next following, then in the 15th year of his reign.

In December following, Hugh Despenser, the younger, applied himself to the king for the repeal of his exile, who committed him to prison, and sent his petition to the archbishop of Canterbury, the other bishops and clergy being then in a provincial synod at London, to advise about, and give him their sense upon it, who judged the award, as to the exile and disinheritance, erroneous, against right, and obtained by force, without their consent, as peers of the land, and therefore advised and prayed the king to repeal, and make it null for ever; which was done, and the king granted him his protection and safe conduct, for his person and estate, by his letters patents, dated at Westminster, the 8th of December in the 15th of his reign.

On the 14th of March, in the 15th of his reign, the king at Derby issued his summons for a parliament to be holden at York three weeks after Easter next coming, into which parliament upon the petitions of Hugh Despencer, the father and son, (notwithstanding the son's had been reversed before) was brought before the king, the process and award for their disheritance and exile, and upon shewing the errors in them, they were both revoked and made null.—"Whereas lately at our parliament summoned at Westminster to meet three weeks after the nativity of St. John Baptist last past, an award was made against sir Hugh le Despenser the son, and sir Hugh le Despenser the father, by certain great men of the realm, and then after the feast of St. Andrew next following, Hugh the son petitioned Us, shewing, That while he was in our service in the office of Chamberlain, and so appointed in full parliament, the earl of Hereford, M. Roger de Mortimer the nephew, M. Roger de Mortimer the uncle, M. Roger Damory, M. John de Mowbray, M. Hugh d'Audele the father, M. Hugh d'Audele the son, M. Roger de Clifford, M. John Giffard de Brimmesfield, M. Maurice de Berkeley, M. Henry de Tyes, M. John Maltravers, and many others, made a Confederacy by oaths and writing to pursue and destroy him, and upon this agreement all the above-named, with their retinues, came the Wednesday after the feast of the invention of Holy Cross, in the 14th year of the king, to Newport in Wales, with force and arms, that is, to wit, with 800 men at arms, with the banner of the king's arms displayed, and with 500 Hobelors, and 10,000 foot, to enter upon all his lands to destroy them, and with the same power and force to besiege his towns and castles, and took them by force, and killed part of his people, sir John Iwayn, Matthew de Gorges, and about 15 other Welshmen; and part they maimed, as sir Philip Joce; and part they took and imprisoned, as sir Ralph de Gorges, who was then in prison, M. Philip Joce, sir John de Fresingfield, sir John de Dunstable, William de Dunstable, and many others, which they freed upon ransom; and they took, carried, and drove away his goods and chattels found in his towns and castles; that is to say, 40 war horses, and armour for 200 men completely armed, and other warlike engines and implements, and victuals, wheat, wine, honey, salt, flesh, fish, and other victuals, to the value of 2,000*l.* and burnt all his charters, remembrances, and monuments they could find, to his loss 2,000*l.* They also burnt part of the gates of his castles, and houses, and took the irons out of the windows, and leads of the houses, &c. and carried them away, to the damage of 2,000*l.* and then names ten castles in Wales, and the Marches, which they took and destroyed; and with the same force and power, they stayed in his lands totally to destroy them about 15 days, in which time they forced the greatest part of all the country to swear to be of their party, and those that would not, they imprisoned, put to ransom, and burnt their houses and goods; and in the same time they robbed and plundered him of all the moveables in and upon his manors, 60 large working mares with colts and foals of two years, 160 heifers, 400 oxen, 500 cows, with their breed for two years, 10,000 sheep, 400 hogs, and all other necessary things found upon them, as carts, ploughs, vessels, all these they took, drove, and carried away (without leaving any thing) from his manors, lands, and towns in Wales, which were 24 in number, to his damage of 2,000*l.* They burnt his granges, and destroyed his crop upon the ground, to his damage of 2,000*l.* and the debts which were owing him there, by force and cruelty they made his debtors pay unto them, to the value of near 3,000*l.* with fee-farm rents, and other customs, which amounted to near 1,000*l.* And from Wales with the same power and force they came into England, upon his castles, towns and manors there, and cut up his woods, unchaced his chaces, disparked his parks, pulled down his houses, robbed and rifled as much as they could any where find, to his damage of 10,000*l.* and then seized upon his friends, and his people, whereof some they put to ransom, some they rifled, and some they imprisoned, to the great grievance of them, and then by the same cruelties and hardships, they made the greatest part of the people against their wills, to be of their party, and sworn to them. And also with their force and power they came to the parliament at Westminster, and there upon false accusations, without calling the said Hugh to answer, against

all manner of right and reason, and against the law of the land, erroneously awarded him to be disherited and exiled England, wherefore he prays the king, as he is bound by right of his crown, and by the oath he made at his coronation, to maintain all people in their rights, That he would please to cause to be brought before him the process of the award made against him, that it may be examined, and that the said Hugh may be received to shew the errors in it, and if there shall be any found, he would please to repeal and redress them, and to do further according to right and reason: and the said Hugh afterward shall be ready to stand to right, and to answer every complaint and accusation according to reason. And he sheweth the errors of the said process, for that the great men who pursued and destroyed him, prayed pardon of the king for all those things, which might be judged felonies or trespasses in that pursuit, which they made by their own authority, by which wrongfully they made themselves judges of him, where they could not, or ought not to be judges; also error, in that the said Hugh was not called into court, or to answer where the award was made; also error, in that the award was made without the assent of the prelates who were peers in parliament; Item, error, in that there was no record of their pursuit, or the causes contained in the award; also error, in that the award was made against the form of the Great Charter, wherein is contained, That no man shall be forejudged, nor in other manner destroyed, unless by judgment of his peers, or by the law of the land; with request to the king to take notice, that the great men were summoned to come duely to the parliament, but did not, when they came with horse and arms, and all their force; Whereupon the said Hugh came and rendered himself prisoner to the king, praying he would receive him into his protection to prosecute his complaint, and that right might be done him in these matters; and the king received him as he ought to do, *(sicome faire devioms)* and caused his petition to be carried to the archbishop of Canterbury, the bishops, and other prelates, and the clergy of the province of Canterbury, then being in a provincial council at London, charging them by the faith they ought him, to advise about the petition, and let him know their thoughts concerning it; and when they had well advised concerning it, they answered, That it seemed to them, that the process and award of the exile, and disinheritance of Hugh the son, and father, were erroneous and wrongfully made, wherefore they agreed and unanimously assented, as peers of the land, and prayed as peers spiritual, That the award which was made wickedly and wrongfully against God, and all manner of right, *(contre Dieu & tote maners de droit)* might be by the king repealed and annulled for ever; and said further, That they nor none of them ever assented to the award: but that every one of them at the time when the award was made, in writing made protestation, That they could not or would assent to it for many causes; and the earl of Kent the king's brother, the earls of Richmond, Pembroke, and Arundel, before the king and prelates, said the award was wrongful, and against law and right, and prayed him, with the prelates, and as they had done before, to null and make void the award; and the earls affirmed, That for fear of the force, which the great men suddenly brought to the parliament to make the award, which was to them unknown and unexpected, they gave their assent to it, and also advised the king to suffer it to pass, for which offence and mistake they prayed his pardon."

And then afterwards another petition was delivered to the king, on behalf of Hugh the father, setting forth, That the same great men before named, and their adherents and confederates with force and arms, on the day of St. Barnaby, in the 14th year of the king, came to his manor of Fastern in Wiltshire, and twelve others in that shire, six in the county of Gloucester, four in Dorsetshire, five in Hampshire, two in Berkshire, six in Oxfordshire, three in Buckinghamshire, four in Surrey, one in Cambridgeshire, two in Huntingtonshire, five in Leicestershire, one in Yorkshire, one in Lincolnshire, five in Cheshire, and five in Warwickshire; in all 63 manors there named, where they made the same havock, committed the same spoils, devastations, and destructions upon his houses and lands they had done upon his son's, and used his debtors, tenants, friends and people as those of his son; except that the loss of his goods, moveable and immoveable, in and upon his manors and lands, were greater: as namely, two crops of corn, one in the barns or granges, the other upon the ground; 28000 sheep, 1000 oxen and heifers, 1200 cows, with their breed for two years, 40 mares, with their breed for two years; 500 cart-horses, 2000 hogs, 400 kids, 40 ton of wine, 600 bacons, 80 carcasses of beef, 600 muttons in the larder, and 10 tons of cyder; Armour for 200 men, and other warlike engines and provisions, with the destruction of his houses, to his damage 30,000*l.* And at the same time they entered the Abbey of Langley in Wiltshire, broke up his coffers, and carried away 1000*l.* in silver, also his charters, evidence, and bond, cups of gold and silver, and other silver vessels and jewels, to his damage of 10,000*l.* And at the same time with force and arms entered the king's castle of Marlborough (where he was the constable) and took his goods there found, 36 sacks of wool, 6 pair of rich vestments, a library, a golden chalice for the sacrament, one cross of gold, another of ivory and ebony, and other ornaments belonging to the chapel; cloths of gold, carpets, coverings, and many other things, and his whole wardrobe entirely, to his damage of 5000*l.* Excepting these differences of losses, the petition is the same with his son's *verbatim*, and the errors assigned in the process and award, are the very same; his rendering himself prisoner to the king, and his reception into the king's

protection the same, and expressed in the same words. And then it follows by the king *(et issint apres, a nostre parlement summons a Everwyk en treis semeins de Pasch an an nostre regne quinzisme feisems devant nous le proces del dit Egard a la suite les dits Hugh le fitz. & Hugh le pere, en cestes paroles, a l'honeur de Dieu & seinte eglise, &c.)* And we afterwards, at our parliament at York, three weeks after Easter, in the 15th year of our reign, caused to come before us the process of the award, at the petition of the said Hugh the son and Hugh the father in these words: To the honour of God and holy Church, &c. the whole award being cited in this record. After which recital it follows, *(a quem parlement, &c.)* At which parliament at York, the said Hugh the son and Hugh the father being brought before us in court, prosecuting their complaints, and praying us to do them right; and the said Hugh the son for himself shewed and alledged the errors in the process as abovesaid; and also Hugh the father alledged the same errors, and prayed severally and jointly, That as the award was made erroneously and wrongfully against the laws and usages of the realm, and against common right and reason, that we would annul and defeat the said award, and that they might be remitted and reconciled to our faith, and to such estate as they had and were in before the award: And hereupon hearing the reasons of the said Hugh and Hugh, we caused the process to be examined in full parliament, in the presence of the prelates, earls, barons, knights of counties, and the people that were come, by reason of the parliament *(en presence des prelates, countes, barons, chivalers des countes, & le people & estoit venuz pur encheson du dit parlement)* And we found the said award was made without calling them to answer, and without the assent of the prelates, which are peers of the realm in parliament, and against the great charter of the franchises of England, which says no freeman shall be banished, or other way destroyed, but by lawful judgment of his peers, or the law of the land, and for that they were not called in court to make answer, and for these errors, and for that the causes in the said award were not duly proved *(& pur ceo que les causes contenues en la dit egard ne furent pas duement approvets;)* And further having regard to that, that we caused the parliament at Westminster to be summoned in due manner, and commanded by our writs the said great men (who made the award) not to make assemblies and alliances, or come with armed men, yet they came with all their force to that parliament, notwithstanding our command: and when they came to London in that manner, they held their councils and assemblies at London, without coming to us at Westminster according to summons; and then we sent to them to come to the parliament at Westminster as they ought, yet they would not come, nor let us know their mind, nor the cause of the award, though we had begun and held the parliament for 15 days and more, and caused to come before us the prelates, and some earls and barons, knights of counties, and others which came for the commons of the realm *(& avioms fait venir, devant nous prelates, & aucunes countes & barones, chivalers des countes, & autres que vindrent pur la commune du royalm)* and caused it to be published, That those that had petitions to promote should deliver them. And after proclamation thus made, no petition was delivered, or complaint made against the said Hugh and Hugh, until they came as aforesaid: and the contrivance of the said award they wholly concealed and kept from us, unto the very hour they came to Westminster with force and arms, and made their award against reason, as a thing treated and agreed on amongst themselves, on their own authority, in our absence, and encroached upon the royal power, jurisdiction, and conusance of process and judgment of those things, which belong to our royal dignity; wherefore we could not at that time stop the said award, nor do right to the said Hugh and Hugh, as it belonged to us. And further taking notice that those great men, after the award made, prayed our pardon and release for confederating themselves by oath, writing, or in other manner without our leave, in pursuing them, and trooping with banners of ours and their own arms displayed, and taking and possessing castles, towns, manors, lands, tenements, goods, and chattels, and also taking and imprisoning people of our allegiance and others, and some they wounded, and some they killed; and many other things they did, in order to destroy the said Hugh and Hugh, in England, Wales, and other where, of which some might be called trespasses, and other felonies; also it appeared, those great men were enemies to, and hated them at the time of the award and before, wherefore they ought not to be their judges, in their own prosecution of them, nor have record *(ne record aver)* upon the causes of the said award. And we are bound by the oath we made at our coronation, and obliged to do right to all our subjects, and to redress and cause to be amended all wrongs done to them when we are required, according to the Great Charter, by which we are not to sell or delay right and justice to any one; and at the pressing advice and request of the prelates, given us for the safety of our soul, and to avoid danger, and for to take away an ill example for the time to come of such undertakings and judgments, in the like case, against reason. Wherefore we seeing and knowing the said process and award, made in the manner aforesaid, to be as well to the prejudice of us, the blemishment, (or hurt) of our crown and royal dignity, against us and our heirs, as against the said Hugh and Hugh, and for other reasonable causes, of our royal power, in a full parliament at York, by the advice and assent of the prelates, earls, barons, knights of counties, the commons of the realm, and others being at our parliament at York *(pur le conseil & l'assent des prelats, countes, barons, chevalers des coun-*

tez le commun du royalme, & altres a nostre dit parlement a Everwyk Estauntz) do wholly null and defeat *(de tut anentissoms & defesoms)* the said award of the exile and disinheritance of the said Hugh and Hugh, and all things in the award *(& quant qus cel ogard touche)* and do fully remit and reconcile the said Hugh the son, and Hugh the father, to our faith and peace, and to the estate they had and were in before the making of the award in all points. And we award, that they have again *(receient)* seisin of their lands and tenements, goods and chattels, &c. And we will and command, that where this award is enrolled in any places in our court, it be cancelled and annulled for ever.' And so the roll was cancelled and crossed, and remains so at this day, with this memorandum written under the Award. 'These things above written are nulled and cancelled by force of an Award made in the parliament at York held three weeks after Easter in the 15th year of the reign of our lord, as it is contained in a roll sowed to, and hanging at this roll in the month of May.'

After this, the Despensers soon regained their power, and queen Isabel having taken arms against her husband, king Edward, assigned the misconduct of these Despensers as the cause of her doing so, in the following Proclamation:

"Isabel, by the grace of God, queen of England, dame of Ireland, countess of Pontif, or Ponthieu; and we Edward, eldest son to the noble king of England, duke of Guyen, earl of Chester, Pontif, and Monstroil, or Monstrevil; and we Edmond, son to the noble king of England, earl of Kent, to all those to whom these letters shall come, greeting: Whereas it is notoriously known, that the state of Holy Church and the Realm of England, are many ways blemished and abased, by the evil counsel and abett of Hugh le Despenser, who by pride and a desire to lord it, and set himself over all others, hath taken upon him royal power against right, reason, and his allegiance; and in like manner made use of all the evil counsel of Robert Baldock and others his adherents, so as Holy Church is reviled, and shamefully put under great subjection, and the prelates of Holy Church spoiled of their goods against God and right; Holy Church defamed and dishonoured many ways, and the crown of England destroyed in divers manners, in disheritance of our lord the king, and his heirs, the great men of the realm, by the envy and wicked cruelty of the said Hugh; many of them, without fault and without cause, put to shameful death; some disherited, others imprisoned, banished, and exiled; widows and orphans wrongfully forejudged of their right, and the people of the land, by divers tallages and undue exactions very often burthened, and by divers oppressions grieved without mercy. By which offences the said Hugh hath shewn himself an open tyrant and enemy to God and Holy Church, to our most dear lord the king, and to the whole realm. And we, and many others with us, and in our company, who have long been estranged from the good pleasure of our lord the king, by the false suggestions and evil procurement of the aforesaid Hugh and Robert, and their adherents, are come into the land to raise the state of Holy Church and the realm, and to defend the people from these mischiefs and grievous oppressions, and to maintain to our power the honour and profit of Holy Church, and our lord the king and the whole realm, as abovesaid. Wherefore we command and pray you for the common profit of you and every one of you, to be aidant to us at all times and in all places, and by all the ways you know or can, that the things abovesaid may be speedily brought to a good effect and end. For know certainly, that all we, and all those with us, will not undertake any thing that shall not be for the honour and profit of Holy Church, and of the whole kingdom, as in time you will see and find, if God please. Given at Wallingford the 15th day of October, in the twentieth year of the reign of our most dear lord the king."

From Wallingford she marched to Oxford, and so in a short time to Bristol, which she besieged, and soon took; and the next day after she came thither, Hugh Despenser the father, earl of Winchester, was drawn and hanged upon the common gallows, without hearing or trial, on the 27th of October.

Hugh Despenser the son was soon after taken, and, as Knighton reports, was arraigned before sir William Trussel, a justiciary, in the form there mentioned, which was by way of a speech made against him, as it is here contracted:

"Hugh le Despenser. In the parliament at Westminster, in the 15th of the king, your father and you Hugh were awarded traitors and enemies of the realm, and banished as such, never to return without the assent of the king in full parliament duely summoned. Contrary to which award, your father and you Hugh were found in the court without warrant: and you Hugh, as you returned into the kingdom, feloniously spoiled and robbed two domands (merchant-ships so called) of goods to the value of forty thousand pounds. Hugh, after this felony, you came to the king and caused him to go with force against the peers of the realm, and other his liege people, to destroy and disherit them, contrary to the Great Charter: and also taking upon you royal power, you Hugh and your assistants, with force and arms, robbed feloniously the good people of the realm; and by Andrew Harleye, and other traitors your adherents, murdered the good earl of Hereford, M. William Sullee, and M. Roger de Berfelde (at Borough-bridge) and caused to be taken my most honourable lord Thomas the good earl of Lancaster, and caused him to be judged by a false record, against law, reason, and the Great Charter, and also to be murdered, martyred, and put to a cruel death. Also in the same march (in the French, 'journey') to Borough-bridge, you caused many of my lord's (the earl of Lancaster) barons and knights to be drawn and hanged, by false record against law

and reason, and caused other great men to be put in prison and murdered to get their estates, as Roger Mortimer the nephew and uncle, Hugh Audeley father and son, and the earl of Hereford. Hugh, after this destruction of the nobility, you Hugh, your father, and Robert Baldock, usurping royal power over the king, led him and his people into Scotland against his enemies, where you Hugh by your traiterous conduct caused him to lose 20,000 of his people, to his great dishonour, and damage of the realm, and to return without doing any thing.—Hugh, this treason nor this tyranny would satisfie you, until by royal power gained over the king, you destroyed the franchises of Holy Church and the prelates, as the bishops of Hereford, Lincoln, and Norwich, taking their goods out of their churches: and whereas you knew God had done great things by my lord (the earl of Lancaster) you caused to be murdered, you placed armed guards, and shut the church-doors, that none should enter to honour God and his Saints. Hugh, after these mischiefs, you advised the king to give unto the false traitor the earl of Winchester, Andrew Harkley, and self, lands properly belonging to the crown, in disherison thereof. Hugh, whereas the queen and her son passed beyond sea by the king's command to save the country of Guyen, in point to be lost by your traiterous counsel, you sent over a great sum of money to some of your wicked adherents, to destroy the queen and her son, *(q'est droit heir del realm)* who is right heir of the kingdom, and to hinder their coming over. Hugh, your father, Robert Baldock, and self, and other false traitors your adherents, taking upon you royal power, made great and small by force to swear to, and assure you, to maintain you in your false quarrels or pretences *(en vouz faux quereles)* not having regard that such confederacies were false and traiterous, against legience and the state of the king and his crown. And forasmuch as you Hugh, and other traitors, knew that the queen and her son were arrived in the nation, by your evil counsel you caused the king to withdraw himself, and go from them, and carried him out of the kingdom, to the danger of his body, and dishonour to him and his people, feloniously taking with you the treasure of the realm, contrary to the Great Charter.—Hugh, you are found traitor, wherefore all the good people of the kingdom, great and small, rich and poor, by common assent, do award, That you are found as a thief, and therefore shall be hanged; and are found as a traitor, and therefore shall be drawn and quartered; and for that you have been outlawed by the king, and by common assent, and returned to the court without warrant, you shall be beheaded *(vous serrez decolez)* and for that you abetted and procured discord between the king and queen, and others of the realm, you shall be embowelled, and your bowels burnt. Withdraw, traitor, tyrant, and so go take your judgment, attainted wicked traitor."

He was at this time earl of Gloucester; and no trial by common jury, or his peers appears; and the attaint was only this speech made against him, and most of what was objected to him had been pardoned by act of Parliament. On the 24th of Nov. he was drawn and hanged upon a gallows 50 feet high, and then quartered, and his head fixed upon London-bridge. Those who brought him to the queen had for their reward 2000*l.* as she had promised.

The annullment of the Exile and Disherison of the Despensers, 15 Edw. 2. was made void in parliament, 1 Edw. 3. And afterwards in the parliament summoned 21 Rd. 2, Thomas le Despenser petitioned the king in full parliament, reciting the petitions of Hugh the father, and Hugh the son, to the king in full parliament holden at York three weeks after Easter, in the 15th year of Edward 2.—In which parliament the Exile and Disherison of both were annulled for these Reasons: 1st, they were not appealed, or called to answer, nor due process made against them according to law. 2nd, Because the prelates who were peers of the realm did not consent to the exile and disherison. 3rd, Because it was against Magna Charta, that any man should be exiled or tried, or otherways destroyed, without judgment of his peers. This adnullation was afterwards made void, in 1 Edw. 3. He prayed that statute might be made void, and all the articles and things contained in it, for the reasons abovesaid.—And hereupon the king caused the prelates, dukes, barons and commons, summoned to his parliament, to be diligently examined, what they thought, whether the statute of Edward 3, was defeasable? Who upon good deliberation said it was, for the causes before expressed; also considering that the repeal made by king Edward 3 was at such time as his father Edward 2 was living, being very king, and in prison, that he could not resist the same.—And accordingly the same was made void.

5. Proceedings against ADAM DE ORLETON, Bishop of Hereford, for Treason, 16 Edw. II. A. D. 1323. [1 Cobb. Parl. Hist. 77. 2 Brady's Hist. 147. Claus. 1 Edw. III. p. 1. M. 13.]

IN the parliament summoned to meet at London the beginning of Lent 1323, Adam de Orleton, or Torleton, bishop of Hereford, was arrested of high treason, and was examined before the king and lords, on divers Articles. It was laid to his charge, 'That he had entertained certain of the king's enemies, had appeared in the field with them, had furnished them with arms, and had given them his assistance, favour, and advice.' The bishop being a shrewd and learned man, said little at first to this accusation, but being further urged, he answered, 'My lord the king, saving all due reverence to your majesty, I being an humble minister of God's church, and a consecrated bishop, though unworthy, ought not to answer such high matters without the licence and authority of my lord the archbishop of Canterbury, who next to the pope is my proper judge; as also with the consent of the rest of my fellow-bishops.' The archbishop of Canterbury with his suffragans, rising up, implored the king's mercy for him; and he was delivered to the custody of the archbishop till the king should resolve when to summon him again, to answer to what might be farther laid to his charge. Soon after the king summoned him again to answer in his court of justice, which the archbishops, &c. hearing of, they came in great form, with their crosses, and took him away from the bar, threatening to excommunicate all that withstood them. Upon which Edward caused a bill of indictment to be preferred against him to the grand jury of Herefordshire, which being found, the king immediately seized on all his temporal possessions.

The record by which he was restored to his temporalities in the 1st of Edward 3, reciting the record of his trial in the country, gives a more particular account of his crimes, and informs us, That by inquisition taken at Hereford before the justices of the King's-Bench, it was presented, 'That Adam bishop of Hereford was of the confederacy of Roger de Mortimer of Wigmore, who was then reputed an enemy and rebel to the king his father, and that he sent certain men at arms to his assistance; and then being accused for these things before the justices, and his father, he alleged, that without offending God, and holy church, and without leave of the pope, he could not, or ought to answer, nor ought the justices to proceed to take the inquisition; and though the bishop submitted not to the inquisition, yet the justices went on, and for that it was found by that inquisition that the bishop was of the confederacy of the said Roger, and sent to his assistance men at arms: it was adjudged by the justices, he should as convict remain in the custody of the archbishop of Canterbury, and that his lands and tenements, goods, and chattels, should be seized into the king's hands, and remained so seized, until the date of this record, by which they were restored. Witness the king at Westminster, the 16th of February, in the 1st of his reign.'

6. Proceedings against THOMAS Earl of LANCASTER, for Treason, 15 Edw. II. A. D. 1322, 1 Edw. III. A. D. 1327. [Parl. II. E. 3. p. 1. M. 17. Stat. 1. Edw. III.]

THOMAS earl of Lancaster, first cousin of king Edward 2, had been one of the chief opposers of that king's misgovernment, and his favourites Gaveston and the Despencers. He repeatedly took up arms against the king, and finally, in 1322, was taken at Boroughbridge, and being impeached of Treason, &c. before the king at Pontefract, was sentenced to be drawn, hanged and beheaded, but by the favour of the king was only beheaded.

By the same Judgment, and for the same crimes, suffered these barons, Warin Lisle, William Toket, Thomas Manduit, Henry de Bradborn, William Fitz-William, William Cheyny, Roger Clifford, John de Mowbray, Gocelin D'Enynvill, Henry Teyes, and Bartholomew de Badlesemer who was beheaded at Canterbury, only Roger de Damory died of his natural death.

In the first parliament of Edward 3, the Judgment against the earl of Lancaster was reversed, as appears by the following Record:

"The king, to all to whom, &c. Greeting. We have inspected the records and proceedings had in our last parliament called at Westminster, in these words: Henry of Lancaster, brother and heir of Thomas, formerly earl of Lancaster, came to this parliament, and exhibited before the lord the king himself, the nobles, and great men of the kingdom, and the council of the said lord the king there then being, a certain Petition in these words: 'To our lord the king and his council prayeth Henry of Lancaster, brother and heir of Thomas heretofore earl of Lancaster, That whereas the said Thomas was formerly, before the lord Edward heretofore king of England, father of our lord the king, that now is, and his council, at Pon-

tafract, in the 15th year of his reign, unreasonably adjudged to death by an erroneous proceeding against him at that time had, by reason of which judgment he was put to death, and, in consequence of the same judgment, his heirs were disinherited, the record and proceedings whereof are in Chancery, it would please our lord the king to command the Chancellor that he should cause the record and proceedings of the aforesaid judgment to be brought hither into parliament, and that they be recited and examined, to the end, that if any error be therein, the same may be duly redressed, and right in the premises done to the said Henry, as brother and heir of the said earl, and his inheritance delivered to him.' In consideration of which Petition, it was commanded to the Chancellor by the said lord the king, that having examined the Rolls of the year aforesaid of the lord king Edward, father of the lord the now king, in his Chancery, he should cause the record and proceedings aforesaid to be brought hither into parliament, &c. which said chancellor afterwards brought hither the record and proceedings aforesaid in these words: "Pleas of the Crown of the lord king Edward, son of the lord king Edward, held in the presence of the said lord the king, at Pontefract, on Monday next after the feast of the Annunciation of the blessed Virgin Mary, in the 15th year of his reign. Whereas Thomas earl of Lancaster was taken, and for treasons, homicides, burnings, depredations and divers other felonies brought before the said lord the king, in the presence of Edmund earl of Kent, John earl of Richmond, Adomer of Valence earl of Pembroke, John de Warren earl of Surrey, Edmund earl of Arundel, David earl of Athol, Robert earl Danegos, the Barons, and other great men of the kingdom: The lord the king causes it to be recorded, that the said Thomas, being a liegeman of the said lord the king, came to Burton-upon-Trent, together with Humphrey de Bohun, late earl of Hereford, a traitor to the king and kingdom, found in war against the lord the king, with banners displayed, at Boroughbridge, and there slain; and Roger Damory, a convicted traitor, and other traitors and enemies to the king and kingdom, with banners displayed, so that in war he hostilely, for three successive days, resisted the lord the king, his people and attendants, and prevented them passing the bridge of the said town of Burton, as they should have done, and then feloniously slew some of the men of the said lord the king, by reason whereof the said lord the king, in order to repress the aforesaid malice and resistance of the said earl and others, and for the maintenance of the peace and tranquillity of his kingdom and people, and of the rights of his royal crown, and for the repelling and removing of the aforesaid force so seditiously collected, sought elsewhere a passage over the river Trent, and from thence powerfully rode against the said earl and others, and the aforesaid earl Thomas taking notice of this, together with the other traitors aforesaid, as a traitor and enemy to the king and kingdom, set fire to the town of Burton aforesaid, and feloniously burned part of the houses and goods of the same town; and after that the said earl with the other traitors aforesaid, went out of the said town to the plain thereto adjoining, with banners displayed, and hostilely disposed his military forces to fight against the said lord the king, against his homage, fealty, and allegiance, by which he was bound to the said lord the king, awaiting on the same plain the approach of the lord the king, and thereupon when the said earl Thomas observed that the said lord was coming and drew near to him with a great power, the said earl Thomas, together with all the other traitors aforesaid, in confusion betook himself to flight and fled, and in such flight, while the lord the king pursued them with a great force, committed divers depredations and robberies, until the said earl Thomas together with the traitors aforesaid, with arms and horses and banners displayed, came to Boroughbridge, where in support of the lord the king were certain faithful subjects of the lord the king, having full authority from the lord the king to resist in all ways and by all means in their power, the enemies and traitors to the lord the king, and the aforesaid earl Thomas, together with the other traitors with horses and arms, and banners displayed, hostilely made an attack upon the aforesaid faithful subjects of the lord the king there being, and feloniously slew some of them and fought against them, until the said earl Thomas, together with the other traitors aforesaid, was routed and taken, and some of those traitors were taken, and some were slain, and some took to flight; and so there remained as to the said earl Thomas, no doubt but that he together with his other traitors, wished to get the better of and to conquer the same lord the king. All which treasons, homicides, burnings, depredations, and hostile fightings, with horses and arms and banners displayed, are manifest and notorious, and known to the earls, barons, and other great men, and to the people of the kingdom; and therefore it was adjudged that the said earl Thomas for the treason aforesaid, should be drawn, and for the homicides, depredations, burnings, and robberies aforesaid, should be hanged, and for the [offences committed in the] flight aforesaid, on this behalf should be beheaded. And more than this, although the aforesaid earl Thomas in time past, wickedly and maliciously against his homage, fealty, and allegiance, often conducted and behaved himself ill towards the lord the king, to wit, Whereas the lord the king had at Newcastle upon Tyne, victuals, horses, and armour, jewels, and divers other goods to a great quantity and value, which goods the said earl Thomas, with horses and arms, and a great multitude of armed men, took, stole, and carried away, whose said stealing and trespass the lord the king, of his special grace, remitted and pardoned to the said earl Thomas, and the other offenders in the said stealing, in the hope of bringing the

said earl Thomas to a better way of thinking. And moreover the aforesaid earl Thomas, having collected to himself divers men with an armed force, came to different parliaments of the lord the king, and oftentimes hindred the same lord the king from holding parliaments, as it pertained to him and to his crown to hold them, and oftentimes took no heed to attend such parliaments according to the commands of the lord the king, but contemptuously disobeyed the same, and also often held different, larger and smaller, illegal meetings against the lord the king in different places, and against the prohibition of the lord the king. Also, whereas many offenders and disturbers of the peace of the lord the king, whom the said earl Thomas had drawn to him and got together, had committed homicides, thefts, and divers other felonies, by means whereof they deserved to receive judgment of death; and the said earl Thomas in like manner, according to the law and custom of the realm, deserved to receive judgment of death for supporting and harbouring the said offenders: Also, whereas earl Thomas afterwards coming, with a great multitude of armed men, to the parliament of the lord the king, held at York, prevailed on the lord the king to remit the prosecution on account of the breach of his peace, against the said earl Thomas and the offenders aforesaid, to the number of about a thousand persons, notwithstanding the said earl Thomas had before that time sworn to the observance of certain ordinances that the lord the king should not remit a prosecution for breach of his peace in cases of this sort, arising out of the death of a man: Also, whereas the said lord the king, in order to bring the said earl Thomas to a good course, as is before said, had voluntarily, at various times, given to him, who, with all his might was acting in opposition to the lord the king, divers large gifts of the lands and franchises of his demesne, and by his charters had granted to the said earl Thomas certain gifts, different favours and pardons; nevertheless the same Earl, always persisting in his evil doings, with all his might stood forward rebellious and disobedient to the lord the king: Also, the said earl Thomas sent to the city of York certain knights of his family in order to draw the commonalty of that city, and the custody thereof into the hands of the said Earl; and also the said earl Thomas, in different manners, usurped to himself, and strove to usurp kingly power to the disinherison, so far as in him lay, of the lord the king in this respect: Also, whereas the lord the king, being lately at York, had commanded divers great men, and others of the kingdom, with whom he was desirous to consult, that they should come to York, to treat concerning the journey of the said lord the king into parts of Scotland, the said earl Tho. then being in his castle at Pontefract with a great multitude of armed men, sent his people to obstruct their passage in the neighbourhood of Pontefract, as well along the roads as over the bridges, whereby the counsellors of the lord the king could not, in obedience to his command, come to York to be near the said lord the king: And whereas the lord the king had removed from the neighbourhood of York towards the south, and had proceeded with his followers near to Pontefract, the said earl Thomas and his people came out of the aforesaid castle, and to insult the lord the king, most basely and contemptuously shouted against the lord the king with a great tumult, to the great contempt of the said lord the king, as if the lord the king had been their enemy, and not their king and lord: Also, whereas the said earl Thomas, together with the aforesaid earl of Hereford, and the other traitors conspiring with him, endeavoured to obtain and effect a confederacy and alliance with Robert de Brus, Thomas Randolf, James Douglas, and other Scotsmen, enemies of the lord the king and of the kingdom, concerning the manner and form of which confederacy and alliance certain indenture was found upon the said earl of Hereford when he was slain as aforesaid, in these words: 'The credential which John de Denum is to communicate to Robert, king of Scotland, and to Monsieur Thomas Randolf, earl of Murryf, steward of Scotland, and to monsieur James Douglas, or to which ever of them shall be first met with by the earl of Lancaster, and earl of Hereford, and their allies; that is to say, that the said king of Scotland, and the said earl of Murryf, the steward, and monsieur James with their forces, shall come to the said earls of Lancaster and of Hereford, and their allies, as soon as they shall be fortified in any place, where the whole may be able to assemble together, and will to the utmost of their power harm all those whom the earls of Lancaster and Hereford, and their allies, wish to be harmed, and save from harm all those whom they wish to have saved; and also will come to the said earls of Lancaster and of Hereford in all places where they may wish that they should come in England, in Wales, and in Ireland, and with them live and die in maintenance of their quarrel, saving any claim, conquest, or lordship in the said lands of England, of Wales, and Ireland. And the said king of Scotland, and the said earl of Murryf, the steward, and monsieur James, for themselves and their forces, will engage to do this thing, or if the said king of Scotland should be himself afflicted by sickness, or by other great impediment, whereby he should not be able to come in his own person, then in case the aforesaid earl of Murryf, the steward, and monsieur James, with their power aforesaid, make good and perform what is above said, the said earls of Lancaster and of Hereford, and their allies, would engage that they would never in aid of the king of England, invade them; and whenever the earls of Lancaster and of Hereford, and their allies, have finished their contest, they will sincerely exert themselves that a good peace may be made between the two countries of England and Scotland, to the utmost of their power, to the end that they shall hold their

land of Scotland as peaceably as they their's in England.'—And finally, whereas the aforesaid traitors, adhering to the same earl Thomas, had lately, with his army with force and arms, entered the lord the king's castle and town of Gloster, and against the will of the lord the king, occupied the same castle and town; and there and at Bridgenorth had committed depredations, burnings, and homicides, and other crimes; and the same traitors, fearing the near approach of the lord the king to them, quitted the said castle and town of Gloster, and from thence betaking themselves to flight, hastened to the said earl Thomas as their principal refuge and chief maintenance, which said earl Thomas notoriously manifesting his treason and maintenance in that respect, received those his fellow-traitors, and joined himself to them for the purpose of carrying on hostilities against the lord the king, and exciting war in the kingdom as is aforesaid, and sent his own people, together with his fellow-traitors aforesaid, to besiege the lord the king's castle of Tykhill; and also sent in engines for throwing large stones upon the aforesaid castle and upon the men therein being on the part of the lord the king; which traitors moreover besieged the said castle for three weeks, continually making assaults, and carrying on hostilities against the same, and there slew some of the lord the king's men; and afterwards the aforesaid earl Thomas, having perpetrated the aforesaid iniquities, crimes, and offences, fled, forcing his way towards the said Scottish enemies of the lord the king and the kingdom, until he came to Boroughbridge aforesaid, where he was taken as aforesaid; Wherefore the lord the king, having regard to the so great crimes and iniquities of the said earl Thomas, and his most gross ingratitude, hath no reason to shew any favour in the premises to the said earl Thomas, by pardoning any of the aforesaid punishments adjudged against him; nevertheless, because the said earl Thomas is descended of an excellent and most noble parentage, the lord the king, from respect to the said parentage, of his special favour remits to the aforesaid earl Thomas the execution of two of the punishments adjudged as is aforesaid; to wit, that the said earl Thomas be not drawn nor hanged; but that, upon the said earl Thomas, execution alone be done, that he be beheaded." And upon this the aforesaid record and proceeding having been recited and read in the presence of the lord the king, and of the nobles and great men of the kingdom, here in parliament, &c. being, it was demanded of the aforesaid Henry, for what reason he caused the aforesaid record and proceeding to come hither, who says, That he is brother and heir of the aforesaid Earl, and he caused the record and proceeding aforesaid to come hither, on account of errors occurring in the same record and proceeding, which he prays may be corrected, &c. and he is told to shew the errors, &c. who says, that there is error in this, that every liege man of the lord the king, taken up in time of peace for seditions, homicides, robberies, burnings, and other felonies, into whatever court of the king he shall be brought, concerning such seditions and other felonies laid to his charge, ought, by the law and custom of the realm, to be arraigned and put to answer, and thereof by law to be convicted before he should be adjudged to die; although the aforesaid earl Thomas, a liegeman of the aforesaid lord the king's father, &c. was taken up in time of peace, and brought before the same lord the king, the said lord the king's father, &c. caused it to be recorded, that the same Thomas was guilty of the seditions and felonies in the said record and proceeding contained, without this, that he thereof arraigned him, or put him to answer, as is the custom according to law, &c. and so, without arraignment and answer, the said Thomas erroneously and against the law of the land, in time of peace, was sentenced to death; by reason whereof, because it is notorious and manifest that the whole time in which it was charged against the said Earl, that he committed the aforesaid offences and crimes in the aforesaid record and proceeding contained, and also the time when he was taken, and when the said lord the king's father, &c. caused it to be recorded that he was guilty, and when he was sentenced to death, was time of peace; in particular because, throughout the whole time aforesaid, the chancery and other places of the courts of the lord the king were open, and in them law was done to every one as it used to be done, nor did the same lord the king ever in that time ride forth with banners displayed; the aforesaid lord the king's father, &c. ought not, in such time of peace, to have caused such record to be made against the said Earl, nor to have sentenced him to death, without arraignment and answer: Also, he says, that there is error in this, that whereas the aforesaid earl Thomas was one of the peers and great men of this kingdom, and in the Great Charter of the Liberties of England it is contained, that no free-man shall be taken, imprisoned, or disseised of his freehold or franchises, or his free customs, or outlawed, or banished, or in any manner destroyed, nor shall the lord the king, by himself or others, proceed against him, but by the lawful judgment of his peers, or by the law of the land, the aforesaid earl Thomas was by the record of the lord the king as aforesaid, in time of peace, erroneously sentenced to death without arraignment or answer, or the lawful judgment of his peers, against the law, &c. and against the tenor of the aforesaid Great Charter; Wherefore that the errors aforesaid may be corrected, and the aforesaid Judgment annulled, as erroneous, &c. and that he, as brother and heir of the said Thomas, may be admitted to his inheritance, &c.; and because, upon inspecting and more fully understanding the record and proceeding aforesaid, it is, on account of the aforesaid errors, and others found in the same record and proceeding, adjudged by the same lord the king, the nobles, great men, and all the commonalty of the kingdom in the same parliament, that the aforesaid Judgment given

against the aforesaid earl Thomas be reversed and annulled as being erroneous; and that the aforesaid Henry, as brother and heir of the same earl Thomas, be admitted to claim and to have his inheritance by due proceeding in that behalf to be had as is customary, and that he have writs to the chancellor and justices, in whose courts the said record and proceeding are enrolled, that they cause the same record and proceeding to be made void and annulled, &c.; And we, for the greater security of the same Henry, have brought the aforesaid record and proceeding to be exemplified according to the tenor of these presents.—In testimony, &c. Witness the king at York the third day of March."

7. Proceedings against KING EDWARD II. 20 Edw. II. A. D. 1327. [2 Brady's Hist. 161. Appendix to 2 Brady's Hist. 68. Claus. 20 Edw. II. M. 3. Dors. M. 4. Dors.]

THE earl of Lancaster having taken king Edward 2 prisoner, made no great haste with him towards Kenelworth, for in thirteen days time he was got no further from Monmouth than Ledbury in Herefordshire, at which place the writ for proroguing a parliament that was pretended to have been summoned by the king to meet fifteen days after St. Andrew, was dated the 3d of December. Witness the king at Ledbury the 3d of December. The writ for this parliament, which was to meet fifteen days after St. Andrew, I believe can no where be found, which was to be holden by Isabel queen-consort of England, and Edward his eldest son, guardian of England, he then being out of the kingdom, as it is said in the writ, dated the 3d of December, &c. for proroguing that parliament to the morrow of Epiphany, or Twelfth-day; to be holden by him if personally present, or in his absence by his said consort and son. But the miserable king knew nothing of this summons dated at Ledbury on the 3d of December, with his teste; for the great seal was that day in the keeping of the bishop of Norwich at Woodstock, and the next day delivered to Roger Mortimer and the duke of Aquitan (i. e. Edward the king's son) at the same place.

The parliament (as it is called) met on the 7th of January: The first thing moved by the bishop of Hereford, and many other bishops joining with him, was, Whether king Edward the father, or his son Edward, should reign over them? They were not long before they agreed the son should have the government of the kingdom, and be crowned king, for the causes following:

"1. First, For that the person of the king was not sufficient to govern; for in all his time he was led and governed by others, who gave him evil counsel, to the dishonour of himself, and destruction of holy church and all his people, not considering or knowing whether it was good or evil; nor would remedy these things, when he was requested by the great and wise men of his realm, or suffer them to be amended.—2. Also, In all his time he would not give himself to good counsel, nor take it, nor to the good government of his kingdom; but always gave himself to works and employments not convenient, neglecting the business of his realm.—3. Also, For want of good government he lost the kingdom of Scotland, and other lands and dominions in Gascoigne and Ireland, which his father left him in peace and amity with the king of France, and many other great persons.—4. Also, By his pride and cruelty he destroyed holy church, and the persons of holy church, putting some in prison, and others in distress; and also put to shameful death, and imprisoned, banished, and disherited many great and noble men of the land.—5. Also, Whereas he was bound by his oath to do right to all, he would not do it for his own profit, and the covetousness of him and his evil counsellors which were with him; neither regarded the other points of the oath which he made at his coronation, as he was obliged.—6. Also, He abandoned his realm, and did as much as he could to destroy it and his people; and what is worse, by his cruelty and the default of his person, he is found incorrigible without hopes of amendment. All which things are so notorious, they cannot be gainsaid."

These Articles were conceived and dictated by John Stratford bishop of Winchester and treasurer of England, and written by William Mees, clerk, his secretary and a public notary. Having approved the Articles, they were by common agreement sent to the king, then prisoner in Kenelworth-castle, three bishops, two earls, two barons, two abbots, and two justices, amongst whom was sir William Trussell before noted, Proxy to the whole parliament, to resign their homage and fealty to the king, which he did in this manner: "I William Trussell, procurator of the prelates, earls, and barons, and other people in my procuracy named, having for this full and sufficient power, do resign and deliver up to you Edward king of England, as to the king before this hour, the homage and fealty of the persons in my procuracy named, and do return them upon you Edward, and make quit or free the persons aforesaid, in the best manner that law and custom may do it; and do make protestation in the name of those that will not for the future be in your fealty, or allegiance, nor claim to hold any thing of you as king, but shall hold you as a private person, without any manner of royal dignity." The ceremony ended by sir Thomas Blunt, the high steward, breaking his staff

and declaring all the king's officers discharged from his service as though he were dead.—Sir Thomas de la Moor tells us who the three bishops were; John Stratfort, bishop of Winchester, Adam de Torleton, bishop of Hereford, and Henry Burwash, bishop of Lincoln: three principal companions in transacting this affair. The bishops of Winchester and Lincoln came before the rest to the king, who with his keeper the earl of Lancaster, persuaded him to resign his crown to his son, and circumvented the king, promising him as much honour after his resignation as before; and on the other hand, threatened him if he would not, the people should yield up their homage and fealty, and repudiate his sons, and choose one not of royal blood. With these and other importune promises and threats, they obtained their desires. And then the bishop of Hereford brought in all the other commissioners, sent by the parliament, into the king's chamber, where the whole matter they came for was dispatched, not without great grief and reluctancy from the king, who swooned away.

Walsingham reports, all the nobility met at London, on the morrow of, or day after Twelfth-day, in parliament, and judged the king unfit to rule, and for several reasons to be deposed, and his son prince Edward to be chosen king. Of which when the queen had notice, she was full of grief outwardly. But the prince affected with this outward passion of his mother, would not accept the title against his father's will and consent. The king, when he received this news by the commissioners, was much disturbed, and said since it could be no otherwise, he thanked them for choosing his first born son, making his resignation, and delivering up the royal ensigns and tokens of sovereignty. The commissioners returning to the parliament at London, with the king's answer and the royal ensigns, made the rabble rejoice; and presently the whole community of the kingdom admitted Edward, a youth of fourteen years of age, to be their king, on the 20th day of January, which they would have to be the first day of his reign. And from that time he acted as king before his coronation, as may appear by the writ to all the sheriffs of England to proclaim his peace.—"The king to the sheriff of Yorkshire, greeting: Because Edward, late king of England, our father, by common council and assent of the prelates, earls, barons, and other great men, and also of the communities of the said kingdom, of his own free will removed himself from the government of the said kingdom, willing and granting, That we as his first-born and heir of the kingdom, should take upon us the rule and government: And we yielding to the good pleasure of our father, by the counsel and advisement of the prelates, earls, barons, great men, and communities aforesaid, have taken upon us the government of the said kingdom, and received the homages and fealties of the said prelates and great men according to custom. Therefore desiring our peace for the quiet and tranquillity of our people to be inviolably observed, we command, That presently after sight of these presents, you cause our peace publicly to be proclaimed through your whole bailiwic, forbidding all and singular, under the pain of disinheriting, and losing life and member, that they presume not to infringe or violate our peace, but that all men do prosecute their suits and actions without violence, according to the laws and customs of the land, &c. Witness the king at Westminster the 29th of January."—On the first of February, being Sunday, he was crowned.

The deposed king was for some time kept prisoner in Kenelworth castle, not knowing what was transacted. The nation observing what had been done, seeing the queen engaged, and the prince carried along with them, began to be sensible of the king's condition, and to consider the pretences of his enemies, and to think how they might be kind to him, and prevent further mischief. His keeper also, the earl of Lancaster, began to be every way obliging to him, much pitying and commiserating his deplorable case. Many lords and others began to think how they might deliver him out of captivity; the notice, or rather suspicion thereof, much startled Mortimer, the bishop of Hereford, the queen, and chief actors in this tragedy, reflecting upon what they had done, and fearing if the king should get his liberty they could not be safe, or at least their designs must come to nothing, and caused them to think of removing him from Kenelworth, and appointing him new keepers. They hurried him up and down the nation, that it might not be known where he was; and at last brought him to Berkley castle in Gloucestershire, where he was inhumanly treated by his keepers, attempting to destroy him by all ways of horrid indignities, brutish usages, and before uncontrived and unthought of affronts: but having been frustrated in their intentions, by his natural strength of body and fortitude of mind, on the 22nd of September, at night in his bed, they stifled and smothered him, with large and heavy bolsters and pillows, and put up a red-hot iron, through a ductil-pipe, into his guts at his fundament; and in this most cruel manner murdered him, that no wound or mark of a violent death might be found upon him.

8. Impeachment of ROGER MORTIMER, Earl of MARCH, for Treason, 3rd Edward III. A. D. 1330. [Knighton, Coll. 2556. Walsingham. 3 Rapin, 419. 1 Cobb. Parl. Hist. 84.]

AT the parliament assembled at Westminster, on the 15th of March, 1330, the following Articles of Impeachment translated from the French original now on the Rolls in the Tower, were exhibited against Roger Mortimer, earl of March: viz.

"These are the treasons, felonies, and mischiefs done to our lord the king, and his people, by Roger Mortimer, and others of his company.—1st. Whereas in the parliament holden at Westminster next after the king's coronation, it was ordained, that four bishops, four earls, and six barons should remain with the king to advise him, and that four should still be with him, viz. one bishop, one earl, two barons at least, and that no great business should be done without their assent; after which parliament the said Roger not having regard to the said assent, usurped to himself royal power, and the government of the realm, above the state of the king, and put out and placed officers in the king's house, and otherwhere throughout the kingdom at his pleasure, such as were of his party, and set John Wyward and others about the king, to observe his actions and words; so as he was encompassed by his enemies, that he could do nothing as he would, but only as a man under guard or restraint.—2nd. Whereas the king's father was at Kenelworth, by order and assent of the peers of the land, to stay there for his ease, and to be served as such a great person ought to be; the said Roger by his usurped power, which he exercised over him at his pleasure, ordered that he should be sent to Berkley castle, where, by him and his confederates, he was traiterously, feloniously, and falsely murdered and killed.—3rd. The said Roger by his usurped royal power, forbad by the king's writ under the great seal, that any should come to the parliament at Salisbury with force and arms, under pain of forfeiting whatever they had to the king; yet thither he came with others of his party with force and arms to the said parliament contrary to the prohibition aforesaid; wherefore divers peers of the land, as the earl of Lancaster and others, knowing the manner of his coming, would not be there: and whereas the prelates were assembled in one house, to consult about the business of the king and realm, the said Roger broke open the doors of the said house with armed men, upon the prelates, and threatened them with life and member, if any of them should be so hardy as to speak or do any thing contrary to his pleasure in any point. And in the same parliament by the said usurped power, he caused the king to make him earl of March, and to give him and his heirs several lands in disherison of the crown; and afterwards the said Roger, and those of his party, led the king armed against the said earl of Lancaster, and other peers of the land, as far as Winchester, when they were coming to the parliament at Salisbury, so that the earl and other peers, to avoid the evils that might have happened, out of regard to the king, departed and went toward their own countries, grieving that they could not speak with, or advise their liege lord as they ought to do.—4th. The said Roger, by the said usurped power, caused the king to march forcibly against the earl, and other peers of the land, who were appointed to be with the king, to advise him; and so prosecuted them with force, that the said earl and some others of his company, that wished well to the kingdom, submitted to the king's grace, saving to them life and member, and that they might not be disinherited, nor have too great a fine set upon them; yet he caused them to be fined so grievously, that half their lands, if sold outright, would only pay it; and others he caused to be driven out of the nation, and their lands to be seized, against the form of the Great Charter, and law of the land.—5th. Whereas the said Roger knew well the king's father was dead and buried, he by others of his party in deceivable manner, informed the earl of Kent that he was alive; wherefore the earl being desirous to know whether it was so or not, used all the good ways he could to discover the truth, and so long, till the said Roger by his usurped royal power, caused him to be apprehended in the parliament holden at Westminster and so pursued him, as in that parliament he procured his death.—6th. The said Roger, by his usurped royal power, caused the king to give to him and his children, and confederates, castles, towns, manors, and franchises in England, Ireland, and Wales, in decrease of the revenues of the crown.—7th. The said Roger in deceivable manner caused the knights of shires, at the parliament at Winchester, to grant to the king one man at arms out of every town of England, that answered in the court of the Eyre by four men, and the provost, (*i. e.* the rieve or bailiff of the lord of the manor) to serve at their own cost, for a year in his war in Gascoigne; which charge he contrived for the advantage of himself and party, in destruction of the people.—8th. The said Roger, by his said usurped royal power, caused summons to be sent to many great knights and others, that they should come to the king wherever he was; and when they came, he caused them to be charged to prepare themselves to go into Gascoigne, or fine at his pleasure; which fines were for the benefit of him and his party.—9th. The said Roger falsely and maliciously made discord between the king's father and

his queen; and possessed her, that if she went to him, she should certainly be killed with a dagger, or otherwise murdered; and by this way, and his other subtleties, he so ordered it, that she would not come to her liege lord and king, to the great dishonour of her son and self, and great damage of the whole realm per chance in time to come, which God forbid.—10th. The said Roger by his said usurped royal power, had caused to be taken for him and his party, the king's treasure, as much as he pleased, without tale, in money and jewels, in destruction of the king, so that he had not wherewithal to pay for his victuals.—11th. The said Roger, by the said usurped power, caused to be shared between him and his confederates, the 20,000 marks which came out of Scotland, for the articles of peace, without any thing received by the king.—12th. The said Roger, by his above-mentioned royal power, received the king's duties and purveyance through the kingdom, as if he had been king: and he and his party had with them double the company of men and horse that were with the king, in destruction of the people, not paying for their quarters any more than they themselves pleased.—13th. The said Roger, by his said royal power caused the king to agree to the mounting of 200 Irish chevaliers, or horse, being of those that killed the great men of Ireland and others, who were in the king's faith; whereas the king ought immediately to have revenged their deaths, rather than pardoned them, contrary to the statute and assent of parliament.—14th. The said Roger contrived to have destroyed the king's secret friends, in whom he had most confidence; and he surmised to the king, in the presence of the queen his mother, the bishops of Lincoln and Salisbury, and others of his council, that his said secret friends had excited him to combine with his (the said Roger's) enemies beyond sea, in destruction to the queen his mother, and of him the said Roger; and this he affirmed so impudently to the king, that he could not be believed against what he had said: and for these things and many others, not as yet fit to be declared, he had been apprehended; wherefore the king charged the earls and barons, the peers of the land, as these things concerned himself, themselves, and all the people of the realm, to do right and true judgment upon him for the crimes above written, as being notorious and known to be true, to themselves, and all the people of the kingdom."

Then the earls, barons, and peers, having examined these articles, came into parliament before the king, and they all delivered their opinion, by one of their body, 'that all things contained in the said articles were notorious, and known to themselves, and all the people; wherefore they, as judges in parliament by assent of the king did award and judge the said Roger as a traitor and enemy to the king and kingdom, to be drawn and hanged, and commanded the earl mareschal to execute the judgment, and the mayor, aldermen, and sheriffs of London, with the constable of the Tower, and those who had the guard of him, to be aiding and assisting with the earl mareschal at the execution; which was performed accordingly on the 29th of November at a place then called the Elms, and afterwards Tyburn.*—He was not brought to answer, but condemned without hearing, and for that reason this Judgment was reversed as erroneous, and made void by act of parliament, and his grandchild Roger restored to his title and estate, 23 Ed. 3.

The king, also, in his parliament charged the earls, barons and peers, to give right and true judgment against Simon de Bereford, kt. who had been aiding and advising with Roger Mortimer in all the treasons, felonies, &c for which he was afterwards adjudged to die, as was notoriously known to the said peers; whereupon they came before the king in parliament and said all with one voice, 'that the said Simon was not their peer, and therefore they were not bound to judge him as a peer of the land:' but since it was a thing so notorious and known to all, that he was advising, aiding and assisting the said Roger in all the felonies, &c. aforesaid; and that he was guilty of divers other felonies and robberies, and a principal maintainer of robbers and felons; they as peers and judges of parliament by assent of the king, do award and adjudge him, as a traitor and enemy to the king and realm, to be drawn and hanged; and the earl mareschal was commanded to do execution; which was done accordingly. But it appears by the same parliament roll, that it was then also declared, that though the lords and peers in parliament had for this time, in the king's presence, proceeded as judges to give judgment upon those that were no peers; yet hereafter this should be no precedent to draw them to give judgment on any other but their peers, in case of treason or felony.

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* "The earl of March left four sons, of whom Edmund, his eldest, died in the flower of his age, and left his son Roger, who was restored to his grandfather's estates and honours. The earl had also seven daughters, Katherine wife of Thomas de Beauchamp, earl of Warwick; Joan married to James lord Audley; Agnes to Lawrence de Hastings earl of Pembroke, Margaret to Thomas son and heir of Maurice lord Berkley: Maude, to John son and heir of John de Charleton lord Powis; Blanche to Peter de Grandison; and Beatrix first to Edward son and heir to Thomas of Brotherton, earl marshal, son of Edward 2, and afterwards to sir Thomas de Broose." Dugdale's Baron. 146.

9. Proceedings against THOMAS DE BERKELE, for the Murder of King Edward II. A.D. 1331. [Rot. Parl. 4 Edw. III. M. 16.]

PLEAS of the crown held before the lord king Edward, the 3d since the conquest, in his full parliament at Westminster on Monday next after the feast of St. Katharine the virgin, in the 4th year of the reign of the same king Edward.

"Thomas de Berkele, knight, comes before the lord the king in his full parliament assembled, and being spoken to concerning this, That whereas the lord Edward late king of England, father of the lord the now king, lately was in the custody of the same Thomas, and of a certain John Mautravers, being delivered to be safely kept in the castle of the same Thomas at Berkele, in the county of Glocester, and, in the same castle, in the custody of the same Thomas and John, was murdered and killed, how he would acquit himself of the death of the same king? He says, That he never was consenting to, assisting to, or procuring his death, nor did he even know any thing of his death, until that present parliament; and of this he is ready to acquit himself as the king's court shall adjudge. —And upon that it is enquired of him, Since he is lord of the castle aforesaid, and the said lord the king was delivered into the custody of them, Thomas and John, to be safely kept, and they took and accepted the custody of the same king, how he can excuse himself, that he should not answer for the death of the same king? And the aforesaid Thomas says, That true it is that he is lord of the castle aforesaid, and that he together with John Mautravers, took the custody of the same king, to keep him safely as is aforesaid; but he says, that at the time when it is said that the said lord the king was murdered and killed, he himself was detained at Bradelye without the castle aforesaid, by such and so great sickness, that he hath no recollection of what happened.—And upon this it is said to him, That since he has acknowledged that he, together with the said John, obtained the custody of the said king to keep him safely as is aforesaid, and he placed keepers and servants under him, for such custody, can he by any sickness excuse himself that he should not answer in this respect? And the aforesaid Thomas says, That he placed under him such keepers and servants in the castle aforesaid, for maintaining such custody, in whom he confided as in himself; and who together with the aforesaid John Mautravers, had, by reason thereof, the custody of the same king; Wherefore he says, That concerning the death of the same lord the king, by assistance, assent, or procurement of his death, he is in nothing guilty thereof; And as to this for good and bad he puts himself upon the country:—Therefore in this behalf let a jury come before the lord the king in his parliament at Westminster, in 8 days of St. Hilary next to be, &c: At which day came the aforesaid Thomas before the lord the king in his full parliament, and also a jury, to wit, John Darcy, John de Wysham, William de Trussell, Roger de Swynnerton, Constantine de Mortimer, John de St. Philibert, Richard de Rivers, Peter Huser, John de Brynnton, Richard de la Revere, Roger de Debenhale, and Richard de Croupes, all knights, who, on their oath, say, That the aforesaid Thomas de Berkele is in nothing guilty of the death of the aforesaid lord the king, father of the lord the now king, nor of assenting to, assisting in, or procuring his death: And they say, That at the time of the death of the same lord king Edward, father of the lord the now king, he was afflicted with such a sickness at Bradelye, without his castle aforesaid, that his life was despared of: Therefore the said Thomas is acquitted thereof.—And the jurors being asked whether the said Thomas ever withdrew himself on the aforesaid occasion? say, That he did not.—And because the aforesaid Thomas placed keepers and servants under him, to wit, Thomas de Gurney and William de Ocle, for the custody of the said lord the king, by whom the said lord the king was murdered and killed, therefore, a day is given to him before the lord the king, now in his next parliament, to hear his Judgment, &c. And the aforesaid Thomas de Berkele in the mean time is committed to Ralph de Neville, steward of the household of the lord the king, &c."

What was done further concerning this Thomas de Berkele I do not find, but judgment to be drawn, hanged, and beheaded, was in this same parliament given against Thomas de Gurney and William de Ocle, for the death of king Edward, father of the king that then was, That they falsely, and traiterously murdered him; and he that could take Thomas alive was to have 100*l.* or bring his head, 100 marks; he that could bring William Ocle alive was to have 100 marks, or his head, 40*l.*

10. Proceedings against JOHN STRATFORD, Archbishop of Canterbury, for Treason, 14 Edw. III. A. D. 1341. [Rot. Parl. 14 Ed. III. 17 Ed. III. 2 Brady, 211. 1 Cobb. Par. Hist. 100.]

IN the year 1340, king Edw. 3, finding himself distressed for money to carry on his war in France, and thinking that those who had the care of his revenues were in fault, suddenly returned from Ghent into England, on St. Andrew's day; about midnight he arrived at the Tower, and next morning he sent for the archbishop of Canterbury to Lambeth, but found him not there. He also sent for the bishop of Chichester his chancellor, the bishop of Lichfield and Coventry lord treasurer, and several others his great officers, clerks of chancery, and justices, and imprisoned them in the Tower, except the bishops, whom, says Robert of Avesbury, for fear of the Clementine Constitution, That bishops ought not to be imprisoned, he permitted to have their liberty. On the 3d of December, the archbishop went to Canterbury, and secured himself in his church, to escape future dangers. Thither the king sent Nicholas de Cantelupe with letters of credence, That he would come to him to London, where he might personally speak with him; but he came not, pretending some about the king had threatened to kill him. Yet though he came not, he wrote to the king, and admonished him to take good advice, and make use of good and wise counsellors, and to remember that by evil counsel his father had, contrary to the laws of the land and Magna Charta, imprisoned some great men and others, adjudged them to death, seized their goods, or put them to grievous ransom: and what happened to him for this cause. He also put him in mind, That by the circumspection and discretion of the prelates, the great and wise men of the nation, his own affairs had prospered, so as he possessed the hearts of the people; and had met more assistance from the clergy and laity than any of his progenitors. But at present, by the evil counsel of some English and others, who loved their own profit more than his honour, or the safety of the people, he had imprisoned clerks and others, against the laws of the land, his Coronation-oath, and against the Great Charter; the infringers whereof were, by the prelates of England and the Pope's bull, which he had by him, excommunicated. Which things he had done to the great danger of his soul, and detriment of his state and honour. He tells him, he had pronounced excommunicate all such about him that were favourers of Treason, flatterers of, and imposed upon him; and as his spiritual father beseecheth him to hold them as such, some of which by their sloth, and wicked service and advice, lost Tournay. And requested him to call together the prelates, great men, and peers of the land, to see and enquire in whose hands the Wool, Moneys, and other things then remained, which since the beginning of the war had been granted to him for maintaining thereof; and by what means, and whose default he lost Tournay; and punish the offenders in all things according to law. And as to what concerned him, saving always the estate of Holy Church, and his own order, he was ready in all points to submit to the judgment of his peers. This letter was dated at Canterbury the first of January.—In the same month, he wrote to Robert Bouser (a lay-man) late made chancellor of England, in the place of the bishop of Chichester, to preserve the liberties of Holy Church, and the laws of the land entire: And to let him know, that the ninth had levied and destrained for it, upon prelates and others of the clergy, who were not bound to pay it, as those that paid the tenth granted to the clergy, and held nothing of the king by barony, or were obliged to come to parliament; and also exacted the tenth of such as were bound to pay the ninth, oppressing the clergy *contra Deum & Justitiam*, against God and justice: Exhorting and requiring him in the Lord not to permit the religious and clergy to pay otherwise than according to the form of the grant of the taxes, nor give his advice or assent to any thing in prejudice of the Great Charter, or that might tend to the subversion of church-liberties, declaring if he should make out any writ, commission, or precept to that purpose, he should not omit to exercise such power as Holy Church had permitted him.—He wrote also to the king and his council after this manner: 'To our lord the king and his council, to all and every one of them; We John, by Divine permission archbishop of Canterbury, and the pope's legate, do declare all those that do arrest clerks, put them in prison, and detain them against their wills, are excommunicated by canon.' Which sentence he published in the church of Canterbury, and caused it to be published by all his brother suffragans, or bishops of that province. After the denunciation of which sentence, several clerks (there named) were taken and imprisoned in prejudice of God and Holy Church, against the law and privileges of all clerks, and to the danger of their souls, who did such things, or gave advice or assent to the doing of them. Wherefore he beseeched the king to preserve untouched the rights and privileges of Holy Church, and forthwith release the clerks, and others, that had been imprisoned against the Great Charter, the laws of the land, and privileges of such as were detained. And further besecched all of the king's council, who had presumed to advise the king to commit such things, not to hinder the release of those that were kept in prison. He also declared, That the king's ministers or officers, of what condition soever,

who entered the granges, houses, and other places of archbishops, bishops, ecclesiasticks, or other religious without the consent of their bailiffs, and took and carried away their goods; and all those that commanded these things to be done, were involved in the same sentence of excommunication. He wished the king would vouchsafe to apply a fit remedy, for he could not dissemble; but that against such, as his pastoral office required it of him, by his brother bishops of the province, he should execute what was his and their bounden duty. Yet it was not his intention, that the king, queen, or their children, should be comprehended in this judgment or sentence of excommunication, as far as by law or right they might be excused.

As he had resolved, he wrote to all the bishops of his province, and commanded them to declare excommunicate all such as deprived churches of their rights, or by malice infringed or disturbed their liberties or free customs; and those especially that violated the ancient liberties and free customs of his church of Canterbury, or in any manner diminished them, or did any thing contrary to its privileges. Also those that disturbed the peace and quiet of the kingdom, or that gave advice or assistance to, or favoured them. Also those who by any art or trick whatsoever should violate, break, diminish, or change any of the liberties and free customs contained in the Great Charter, or Charter of the Forest, privately or openly, by word, deed, or advice, or the ancient liberties and free customs granted by them to the City of London, should be declared excommunicate. And then he directs them to proceed in the same manner against all such as imprisoned clerks, or entered into the houses, granges, &c. of archbishops, bishops, &c. as above.—The king, moved with this behaviour of the archbishop, wrote to the bishop of London, and the prior and chapter of Canterbury, in harsh and severe language, how he had been used by the archbishop, and charged him with many great crimes; as, that being exalted to the throne in his nonage, desiring to be directed by sound counsel, believing him in fidelity and discretion to exceed all men, and using him as the director of his soul, and likewise the affairs of his kingdom, and receiving him into great familiarity; and seeing the kingdom of France devolved to him by right of succession, and was usurped by Philip of Valois, he with great importunity persuaded him to make a confederacy against Philip with the German princes, exposing us and our affairs to the charge and hazard of war; promising and affirming, That he would cause abundantly to be supplied the necessary expences from the revenue of our lands, and subsidies; adding further, That we need only take care to have ready expert and stout soldiers. Then he tells how he went beyond sea, and entered into a war at a vast expence, obliging himself to his confederates in great sums of money upon the promised aid; but trusting to a broken reed, and his assistance in money not coming to him, he was forced to contract improfitable debts under the greatest usury; and so as he could not prosecute his expedition, but must of necessity return into England: where declaring to the archbishop his streights and misfortunes, he called a parliament, which gave him the ninths as above, and the clergy a tenth; which if fully collected, and in due time, had probably been sufficient for the carrying on his war, and the payment of his debts, to the no small confusion of his enemies. Then he says the archbishop promised again to assist him effectually toward collecting the subsidy, and administring other necessaries: whence trusting to his promised assistance, he again passed over sea, and obtained his sea-victory, as before related; and afterwards besieged Tournay, as aforesaid; when every day expecting by the archbishop's management to be relieved, in so great necessities, with what had been promised him, his hopes failed: and though by many letters and messengers he had signified to him, and others of his counsellors his adherents, the wants and dangers he was in for want of money, being put off with frivolous excuses and fine words, by which they palliated their fraud and malice, he was forced unwillingly to consent to a truce, to his shame, and the hindrance of his expedition. At length his faithful friends, companions, and participants in his adventure and tribulation, with whom he discoursed how he might most aptly be delivered from his present misfortunes, all agreed the fault was the archbishop's, either by sloth or negligence, if not malice; murmuring against him, that he had not corrected the insolence of the archbishop and officers, which if he should not do speedily, they threatened to quit his service, and withdraw themselves from the confederacy. Whence thinking of the discipline and correction of his officers, he removed some from their offices for male-administration, by subversion of justice, oppressing the people, and taking bribes; others of less note he committed to prison; and believing he might have a more full account of the actions of his officers from the archbishop, to whom he had committed for a long time all the administration of all his affairs, he sent Nicholas Cantilupe to command him to come speedily to London, that he might have personal discourse with him; but being always proud, and fearful in adversity, he pretended danger from some about him, if he should stir out of the church of Canterbury. The second time he sent to him Ralph Stafford or Stratford, steward of his houshold, with letters of safe conduct, to come to, and inform him about the business of the kingdom: but contemning his requests and messages, with an haughty look he answered, That he would not meet, come to, or confer with him, but in full parliament; which at that time it was not rationally expedient to convene: then recounting his great bounty and beneficence toward him, his extraordinary respect and affection to him, and the mighty trust and confidence he had in

him, declares how ungrateful he was, and how he had deceived him, wounding his innocence, by railing at, and reproaching the justice, fidelity, and diligence of his officers, by preaching publickly, and sending letters into divers parts, That by royal power and against justice, the people had lately been oppressed, the clergy confounded, the kingdom over-burdened with exactions, taxes, and tallages. And because he falsly endeavoured to obtain the name of a good pastor, which he always wanted, yet truly he was a notorious mercenary by common opinion, and his own public confession; he applied himself to assert the liberty of the church; which if it had been injured or grieved, either in persons or things, it was only and truly to be ascribed to the remissness, crafty intentions, and reprobate counsels of the archbishop wickedly pretending he had certain sentences and articles of excommunication, made in general against the violators of church-liberty and the Great Charter, to blacken the good opinion the people then had of the king, to defame his ministers, traiterously to raise sedition amongst the people, and to withdraw the affections of the earls, barons, and great men from him. Wherefore being willing, as he was bound, to secure the integrity of his fame, to obviate the malice of the archbishop, and to avoid the snares laid for him and his, he desired to publish some other of his actions, besides those above repeated; to wit, That by his improvident advice in his nonage, he had made so many prodigal prohibited gifts and alienations, and done so many excessive favours, that his treasury was exhausted, and his crown rents beyond measure diminished; and that corrupted by bribes, he had without reasonable cause remitted great sums of money due to him, and had given much of his rents and revenue, which ought to have been applied to his own use, to persons not deserving, or converted it to his own use; and presumed to attempt other things to the detriment of his estate, damage of his royal dignity, and grievance of his subjects, abusing the power committed to him. Commanding those to whom this letter was directed, to publish it, and cause others to publish it, in such places as they should think convenient.—Witness his self at Westminster, the 12th of February, in the 15th of his reign.

On Ash-Wednesday, being the 21st of February, the archbishop preached in the cathedral of Canterbury, and at the end of his sermon he told the people, there were letters directed by the king to the prior and convent against him, which he desired might be read: which was done by order of the prior, and the contents of them published in the English tongue. Against which the archbishop in every point defended his innocence; and then admonished the people to pray for the king, queen, and their children; and to those that should do so devoutly, and also pray for the state of holy church, being penitent, and sorry for their sins, he granted forty days indulgence from purgatory. And the next day, being the chair of St. Peter at Antioch, or the 22d of that month, the abbot of St. Augustine's in Canterbury, to whom and his convent the like letters had been sent, published them to the people, expounding them in hatred to the archbishop, that so the people might have an ill opinion of him.—The very same complaints against this archbishop the king sent to the pope, though in somewhat smoother language in some parts of the epistle; and requests he might be by him removed out of the kingdom, for preserving the peace of it, and preventing other dangers that might be feared to ensue, if he staid there. Dat. apud Langele 14 die Martii.

The archbishop wrote an answer to the king's letter, which bears this title, The Excuse or Answer of the archbishop to the slanderous Libel; addressing himself by way of preface to the king, telling him there were two things by which the world was governed, the holy pontifical authority, and the royal ordained power; of which the charge of the priests was the greatest and highest, inasmuch as they were in the last judgment to give an account of kings: wherefore he ought to know, that they depend upon the judgment of priests, who might not be directed by their wills; for who could doubt but Christ's priests were to be thought the fathers and masters of kings, princes, and all faithful people. And he proceeds to inform him, that many bishops had excommunicated kings and emperors; and also to inform him what good kings were to do, and how to behave themselves toward bishops, and what reverence, honour, and respect was due to them. And he complains, that the honour due to him, in regard of his dignity, and as he was his father, was turned into disgrace, devotion into reviling, and reverence into contempt; whilst his epistles sealed with the royal seal, but more truly slanderous libels, dictated and written by his enemies, containing many crimes falsly imputed to him, were sent to the bishops of his province, deans, abbots, priors, their convents and chapters, to be published to his, and would to God not to the injury of him too; by which unthought of, that he might not say detestable fact, royal power presumed to judge the Lord God in his servants and priests; and he seemed to condemn him his spiritual father, and greatest peer of the land, against the order of God, human law, and natural reason, not called, not convicted by record, and unheard, to the danger of his soul, and as an ill example to the manifest prejudice of all the peers of England. At last, making great profession of his affection to him, and the great services he had done him, he comes to his answer, here following: that whereas he accused him, that when the kingdom of France was devolved to him by right of succession, he importuned him to make a league with the Almain to recover his rights, and was only to find expert soldiers, and he would find money; which failing, you were, you say, forced to contract great debts upon usury. To this he said, That in the beginning of his government, when

he was bishop of Winchester, it was known by whose counsel he was governed. That when the kingdom had devolved to him by hereditary right, and so judged in the parliament at Northampton, the two bishops of Worcester, (Adam Orleton) Coventry and Litchfield, were sent into France to claim that kingdom in your name, and to hinder the coronation of Philip de Valois; which Embassy was the greater occasion of the war. We at that time were not employed in any of your affairs, but were hated at court, for what cause God knows. Afterwards, when it pleased your majesty to call me, with others of your privy council, to transact the public affairs, we considering the danger of mens souls, bodies, and goods by a devouring war, endeavoured with all our power to make peace between the two kingdoms; but after all endeavours for peace proved insuccessful, and Philip had made war upon you, then in a parliament at Westminster, called for that purpose, seeing the obstinacy of Philip, it was agreed you should league with the Germans or Almains, and others. As for the payment of the expences of this war, there were agreements made with certain merchants in a council at Stamford, which are to be found in Chancery; which if observed, together with other subsidies granted both by clergy and laity, and the great customs of wool, not only in our own, but in the opinion of all the council, had been sufficient for the whole war, if well managed. And your majesty knows well, that these agreements were not broken or changed by us, nor did the subsidies come to our hands; because after your first passage we staid not in this kingdom, but with the reverend fathers the cardinals and bishop of Durham, went into France to treat of peace, often going backward and forward from and to yourself, then in Brabant; and afterward, when there was no hopes of peace, staid some time with you there, and were made partakers of your necessities, and with other prelates and great men of England, became bound with you for great sums upon usury.—The second thing charged upon him in the king's letters, he says, was yet more wonderful (that when the ninth was granted, he promised effectually to assist in the levying of it; but that by reason of the non-performance of that promise, when before Tournay, he was forced to consent to a truce, contrary to his mind;) to this he said, the whole subsidy for the ninth for the first year, was assigned to his creditors before his second passage, as might appear by the assignations themselves; and therefore it was manifest, that he neither promised to send, nor could send any thing to the siege of Tournay, especially not knowing when it began.—To the third thing, (that the necessities and great streights he was in were brought upon him by his fault, negligence, and malice, as also of his other officers, some of whom he was forced to remove, and imprison others, lest his friends that were with him, and allies beyond sea, should leave him: and when desiring to have a better information of his affairs, he sent for him, &c.) The archbishop affirms, he made no promise to send money to him; and therefore such as warred in his service, could not complain of his fraud or negligence. And professing again how diligent he had been, and faithful, both then and at all times in his service, he says, as concerning his faithful friends, and those that accompanied him in his enterprizes beyond sea, who desired a fit remedy to be applied to those ill services, that brought him into those inconveniences and misfortunes; it was to be believed, according to their words, that as culpable or guilty of any fault, they were to be punished by just, not arbitrary process. Then as to his two messengers, first Nicholas Cantilupe, bringing the king's letters of credence, he only cited and enjoined him to go into Brabant to pay the king's debts, and stay there while they were paid; so that if he had been summoned to have been at London with the king, as his letters intimated, he must have been here and beyond sea at the same time. As to Ralph de Stafford, he came without letters, and by bare word cited him to come to the king, affirming he ought not to fear any treachery, and says (this notwithstanding that though the king's letters of conduct at first view seemed sufficient for his coming to, staying at, and returning from his councils, if he had been summoned, as he was not; yet the same day he received these letters of conduct, the sheriff of Canterbury brought him the king's writ to appear at London before the king and council upon a contempt: so as though the king's letter gave him free liberty of returning, yet by the king's writ he was of necessity to fall into his enemies hands; which became not, nor could become royal majesty: nevertheless, he was, and should always be ready to answer what should be objected against him, before the prelates and peers, saving his state and order.—As to what was charged upon him (for publishing sentence of excommunication, and commanding it to be published, against the violators of ecclesiastic liberty and the Great Charter, to blacken the king's reputation, defame his ministers, and traiterously move sedition amongst the people, and to withdraw the affections of the earls, barons, nobles, and great men, from the king) because it seemed to affix the crime of treason upon him, in which case no king or temporal lord could be his competent judge, he protested openly and publicly, by these presents, that what he said, or should say, he intended not to prejudice his state in any thing, but wholly to decline trial by any secular judge whatever. At last, as to his prodigality in giving away the revenues of the crown to undeserving persons, and wasting the product of them, and converting the king's treasure to his own use, he utterly denies it, asserting again his innocence, and the great service he had done, the labour and expences he had been at for the crown. And near his conclusion he says, This may suffice for answer to the scan-

dalous Libel at present, and wisheth for the king's honour it had neither been wrote or published.

The king replied very briefly to this Answer; reproves him for his insolent and undutiful language; tells him how much he honoured and revered his spiritual fathers, and that he ought not to overlook their offences, when he saw them tending to the danger of him and his government: and shews him his mistake, when he complained he was condemned of capital crimes, being absent and unheard, as if he in those letters wrote in his own vindication only, had proceeded criminally against him; and forbids him and all other bishops to publish any sentences of excommunication, or other things, against the rights of his crown, or derogatory to his royal dignity and prerogative, as they had been always used by his progenitors.

During this controversy between the king and archbishop, there was a parliament called to meet at Westminster, on Monday next after the 15 days of Easter, the writ of summons in ordinary bearing date March 3, at Wedestoke.

To this parliament the archbishop of Canterbury came, though he had no writ of summons; attended with a great company of his clergy, and many knights. Upon his entrance into the house, the high steward and chamberlain met him, who in the king's name forbad him to enter the parliament until he had undergone a trial in the exchequer, for divers things laid to his charge. The archbishop, lest he should move the king too much, vouchsafed to go into that court, and there took a copy of the Articles, of which his accusation consisted, and to these he promised to return an Answer. Upon which he was suffered by the king to come into parliament, and there, before the whole assembly, he declared the cause of his coming to be, 'for the honour, rights and liberties of the church, for the profit and commodity of the realm, and for the interest and honour of the king: and, lastly, that he might clear himself in parliament of several crimes laid to his charge, and published all over England to his prejudice.' This occasioned a great debate amongst the lords on this question, 'whether the nobility of the land should be put to answer, except before their peers in open parliament?' A committee of twelve peers was appointed to draw up a representation to his majesty; and they were, also, to enquire concerning the crimes laid to the archbishop's charge, and fairly to represent how far they thought him blameable. Joshua Barnes is so particular in the sequel of the controversy, betwixt the king and the prelate, that we cannot do better than give it in his own words.

"Whereupon are named four bishops, four earls, and four barons, to draw up the platform for the king's view. These being also to enquire concerning the crimes laid against the archbishop, and to prepare them for the king, among other things determined, that the lord chancellor, the lord treasurer, and other high officers of state, should be included under the names of peers; and set down a request, that all conditions and estates might enjoy their proper and peculiar liberties. By that time these things were thus forwarded, the archbishop came again to the parliament, but was forbid by the captain of the king's guard, sir William Attewood, to enter: whereupon he spake thus to the people that flocked about him, 'My friends, the king by his writ of summons hath called me to this parliament, and I, who am the chief peer of the realm, and who next the king have the first voice in parliament, claim the rights of my church of Canterbury, and therefore require entrance into parliament.' Tyrrel says, the archbishop was not summoned to this parliament. But when for all this being kept out by the guard, he could not enter, he took his cross in his own hands, and solemnly protested that he would not stir from that place, till the king gave him leave to come into parliament, or a sufficient reason why he should not: while he stood there in this manner, some that were by, began to revile him, telling him, that he was a traitor, and he deceived the king, and betrayed the realm. To whom the archbishop said, 'the curse of Almighty God, and of his blessed mother, and of saint Thomas and mine also, be upon the heads of them that inform the king so. Amen. Amen.' In this hurry certain noblemen chancing to come out, he besought them to request the king in his behalf, and for the right of his church of Canterbury; this they kindly promised him to do. And accordingly by the intercession and favour of the lords, the king gave leave for his admission into the house, where he offered to purge himself lawfully in parliament of the crimes objected against him: but he was referred to the consideration of the twelve peers, who had his cause in hand at that time. On the nineteenth of April, being Thursday, the king came into saint Edward's chamber, commonly called the painted chamber, before whom, in sight of the lords and commons, the archbishop humbled himself, and required his gracious pardon; which upon the whole parliament's general suit and entreaty, his majesty granted. After which the archbishop desired, that whereas he was publicly defamed through the realm, he might now be arraigned in open parliament before his peers: but the king answered, he would first attend to the common affairs, and after that examine lighter matters.

The next parliament was in the 17th of Edward 3, when the king commanded, that the things touching the Arraignment of the archbishop, which remained in the hands of sir William de Kildesby, to be advised upon this parliament, should be annulled and totally outed or laid aside, as such as were neither reasonable or true: and master John de Urford was commanded to bring them into parliament, to be vacated there.

11. Proceedings against JOHN WICKLIFFE, for Heresy, 51 Edw. III. A. D. 1377. 6 Rd. II. A. D. 1383, [Fox's Acts and Monum. 562.]

THE bishops now seeing the aged king to be taken away, during the time of whose old age all the gouernment of the realme depended vpon the duke of Lancaster; and now the said bishops againe seeing the said duke, with the lord Percy, the lord marshall, to giue ouer their offices, and to remaine in their priuate houses without intermedling, thought now the time to serue them, to haue some vantage against John Wickliffe; who hitherto, vnder the protection of the foresaid duke and lord marshall, had some rest and quiet. Concerning the story of which Wickliffe, I trust (gentle reader) it is not out of thy memory what went before, how he being brought before the bishops, by the meanes of the duke and lord Henry Percy, the counsell was interrupted, and brake before nine of the clocke. By reason whereof, Wickliffe at that time escaped without any further trouble. Who notwithstanding, being by the bishops forbid to deale in that doctrine any more, continued yet with his fellowes going barefoote, and in long frise gownes, preaching diligently vnto the people. Out of whose sermons these articles most chiefly at that time were collected.—That the holy Eucharist, after the consecration, is not the very body of Christ, but figuratiuely.—That the church of Rome, is not the head of all churches more than any other church is: Nor that Peter hath any more power giuen of Christ, than any other Apostle hath.—Item, that the pope of Rome hath no more in the keies of the church, then hath any other within the order of priesthood.—Item, if God be, the lords temporall may lawfully and meritoriously take away their temporalities from the churchmen offending *habitualiter*.—Item, if any temporall lord doe know the church so offending, he is bound, vnder paine of damnation, to take the temporalities from the same.—Item, that the Gospel is a rule sufficient of it selfe to rule the life of euery christian man heere, without any other rule.—Item, that all other rules, vnder whose obseruances diuers religious persons be gouerned, doe adde no more perfection to the Gospell, than doth the white colour to the wall.—Item, that neither the pope, nor any other prelate of the church, ought to haue prisons wherein to punish transgressors.

Beside these Articles, diuers other Conclusions afterward were gathered out of his writings and preachings by the bishops of England, which they sent diligently to pope Gregory at Rome; Where the said articles being read and perused, were condemned for heretical and erroneous by three and twenty cardinals.

In the meane time, the archbishop of Canturbury, sending forth his citations, as is aforesaid, called before him the said John Wickliffe in the presence of the duke of Lancaster, and lord Percie; who, vpon the declaration of the pope's letters made, bound him to silence, forbidding him not to entreate any more of those matters. But then through the disturbance of the bishop of London and the duke, and lord Percy, that matter was soone dispatched, as hath beene aboue recorded. And all this was done in the daies and last yeere of king Edward the third and pope Gregory the eleuenth.

The next yeere following, which was the yeere of our Lord 1378, being the first yeere of king Richard the second, the said pope Gregory taking his time, after the death of king Edward, sendeth his bull by the hands and meanes (peraduenture) of one master Edmund Stafford, directed vnto the vniuersity of Oxford, rebuking them sharpely, imperiously and like a pope, for suffering so long the doctrine of John Wickliffe to take roote, and not plucking it vp with the crooked sickle of their catholike doctrine. Which Bull when it came to be exhibited vnto their hands, by the pope's messenger aforesaid; the proctors and masters of the Vniuersity, ioyning together in consultation, stood long in doubt, deliberating with themselues whether to receiue the pope's Bull with honour, or to refuse and reiect it with shame.

The copy of this wilde Bull, sent to them from the pope, was this:

"Gregory the bishop, the seruant of Gods seruants, to his well beloued sonnes, the Chancellor and Vniuersity of Oxford, in the diocesse of Lincolne, greeting, and apostolicall benediction.—We are compelled not onely to maruell, but also to lament, that you, considering the apostolicall seate hath giuen vnto your Vniuersity of Oxford so great fauour and priuiledge, and also for that you flow as in a large sea in the knowledge of the holy Scriptures, and ought to be champions and defenders of the ancient and catholike faith (without the which there is no saluation,) by your great negligence and sloth will suffer wild cockle, not onely to grow vp among the pure wheate of the flourishing field of your Vniuersity, but also to waxe strong and choke the corne. Neither haue ye any care (as we are enformed) to extirpe and plucke the same vp by the rootes, to the great blemishing of your renoumed name, the perill of your soules, the contempt of the church of Rome, and to the great decay of the antient faith. And further (which grieueth vs) the encrease of that filthie weed was more sharpely rebuked and iudged of, in Rome than in England where it sprang. Wherefore let there bee meanes sought by the helpe of the faithfull, to roote out the same. Grieuously it is come to our eares, that one Iohn Wickliffe,

parson of Lutterworth in Lincolne diocesse, a professour of diuinitie (would God he were not rather a master of errours) is runne into a kind of detestable wickednesse, not onely and openly publishing, but also vomiting out of the filthy dungeon of his breast, diuers professions, false and erroneous conclusions, and most wicked and damnable heresies. Whereby he might defile the faithfull sort, and bring them from the right path headlong into the way of perdition, ouerthrow the state of the church, and vtterly subuert the secular policie. Of which his mischiefuous heresies some seeme to agree (only certaine names and termes changed) with the peruerse opinions, and vnlearned doctrine of Marsilius of Padua, and of Iohn Gandune, of vnworthie memory, whose bookes were vtterly abolished in the realme of England, by our predecessour of happy memory Iohn 22. which kingdome doth not onely flourish in power, and abundance of faculties, but is much more glorious and shining in purenesse of faith; Accustomed alwaies to bring forth men excellently learned in the true knowledge of the holy scriptures, ripe in grauity of maners, men notable in deuotion, and defenders of the catholike faith. Wherefore we will and command you by our writing apostolicall in the name of your obedience, and vpon paine of priuation of our fauour, indulgences and priuiledges granted vnto your and your vniuersity from the said see apostolicall; that hereafter ye suffer not those pestilent heresies, and those subtill and false conclusions and propositions, misconstruing the right sense of faith and good workes (howsoeuer they tearme it, or what curious implication of words soeuer they vse) any longer to be disputed of, or brought in question: Lest if it bee not withstood at the first, and plucked vp by the roots, it might perhaps be too late hereafter to prepare medicines when a greater number is infected with the contagion. And further that ye apprehend immediatly or cause to be apprehended the said Iohn Wickliffe, and deliuer him to be detained in the safe custody of our well-beloued brethren, the archbishop of Canturbury, and the bishop of London, or either of them. And if you shall find any gainesayers, corrupted with the said doctrine (which God forbid) in your said vniuersity within your iurisdiction, that shall obstinately stand in the said errours; that then in like maner ye apprehend them, and commit them to safe custody, and otherwise to doe in this case as it shall appertaine vnto you: So as by your carefull proceedings herein, your negligence past concerning the premisses may now fully be supplied and recompensed with present diligence. Whereby you shall not onely purchase vnto you the fauour and beneuolence of the seate apostolicall, but also great reward and merit of almighty God. Yeuen at Rome at S. Maries the greater, xj. Kalend. of Iune, and in the 7 yeere of our consecration."

Besides this bull sent to the vniuersity of Oxford, the said pope Gregory directed moreouer his letters the same time to the archbishop of Canturbury Simon Sudbury, to the bishop of London named William Courtney, with the Conclusions of Iohn Wickliffe therein inclosed, commanding them, by vertue of those his letters apostolicall, and straitly enioyning them to cause the said Iohn Wickliffe to be apprehended, and cast into prison; and that the king and the nobles of England should be admonished by them, not to giue any credit to the said Iohn Wickliffe, or to his doctrine in any wise.—Beside this bill or Bull of the Pope, sent vnto the archbishop of Canturbury and to the bishop of London, bearing the date, 11 calend. Iun. and the 7th yere of the reigne of the pope; I find, moreouer, in the said story two other Letters of the pope concerning the same matter, but differing in forme, sent vnto the same bishops and all bearing the same date both of the day, yeere, and moneth of the reigne of the said pope Gregory. Whereby it is to be supposed, that the pope either was very exquisite and solicitous about the matter, to haue Wickliffe to be apprehended, which wrote three diuers letters to one person, and al in one day, about one businesse; or else that he did suspect the bearers thereof; the scruple whereof I leaue to the iudgment of the reader.—Furthermore, besides these Letters written to the vniuersity, and to the bishops, he directeth also another Epistle bearing the same date vnto king Edward; as one of my stories saith, but as another saith, to king Richard, which soundeth more neere to the truth, forasmuch as in the 7th yeere of pope Gregory the xi. which was the yeere of our Lord 1378, king Edward was not aliue. The copy of his Letters to the king here followeth:

The copy of the Epistle sent by the bishop of Rome to Richard king of England, to persecute Iohn Wickliffe.

"Vnto his well-beloued sonne in Christ, Richard the most noble king of England, health, &c.—The kingdome of England, which the most highest hath put vnder your power and gouernance, being so famous and renoumed in valiancy and strength, so abundant and flowing in all kind of wealth and riches, but much more glorious, resplendent and shining through the brightnesse and cleerenesse of all godlinesse and faith, hath accustomed alwaies to bring forth men endued with the true knowledge and vnderstanding of the holy scriptures, graue in yeeres, feruent in deuotion, and defenders of the catholike faith: the which haue not only directed and instructed their owne people through their wholesome doctrine and precepts into the true path of God's commandements; but also we haue heard by the report and information of many credible persons (to our great grief and heart sorrow) that Iohn Wickliffe parson of Lutterworth, in the diocesse of Lincolne, professor of diuinitie (I would to God he were no author of heresie) to be fallen into such a detestable and abominable madnesse, that he hath propounded and set forth diuers and sundry conclusions full of errours,

and containing most mainfest heresie, the which doe tend vtterly to subuert and ouerthrow the state of the whole church. Of the which, some of them (albeit vnder coloured phrase and speech) seeme to smell and sauor of peruerse opinions, and the foolish doctrine of condemned memory of Marsilius of Padua, and Iohn of Ganduno, whose bookes were by pope Iohn the 22, our predecessor, a man of a most happy memory, reproued and condemned, &c."

" Hitherto gentle reader, thou hast heard how Wickliffe was accused by the bishop. Now you shall also heare the pope's mighty reasons and arguments, by the which he did confute him, to the king. It followeth:

" Therefore, forsomuch as our reuerend brethren the archbishop of Canturbury, and the bishop of London haue receiued a speciall commandement from vs, by our authority to apprehend and commit the forenamed Iohn Wickliffe vnto prison, and to transport his confession vnto vs: if they shall seeme in the prosecution of this their businesse to lacke your fauour or helpe, we require and most earnestly desire your maiesty, euen as your most noble predecessors haue alwayes beene most earnest louers of the catholike faith (whose case or quarrell in this matter is chiefly handled) that you would vouchsafe (euen for the reuerence of God, and the faith aforesaid, and also of the apostolike seate, and of our person) with your helpe and fauour to assist the said archbishop and all other that shal goe about to execute the said businesse. Whereby besides the praise of men, you shal obtaine a heauenly reward and great fauor and good will at our hand, and of the see aforesaid. Dated at Rome at S. Mary the greater, the 11 cal. of Iune, in the 7th yeere of our bishoprike, an. 1378."

The Articles included in the pope's letters, which he sent to the bishops, and to the king against Wickliffe, were these which in order doe follow.

The Conclusions of Iohn Wickliffe, exhibited in the Conuocation of certaine bishops at Lambeth.

" 1. All the whole race of mankinde here on earth, besides Christ, hath no power simply to ordaine that Peter and all his offspring should politickly rule ouer the world for euer. 2. God cannot giue to any man for him and his heires any ciuill dominion for euer. 3. All writings inuented by men, as touching perpetuall heritage, are impossible. 4. Euery man, being in grace iustifying, hath not only right vnto the thing, but also for his time hath right indeede aboue all the good things of God. 5. A man cannot onely ministratoriously giue any temporall or continuall gift; either as well to his naturall sonne, as to his sonne by imitation. 6. If God be, the temporall lords may lawfully and meritoriously take away the riches from the church when they doe offend *habitualiter*. 7. We know that Christs vicar cannot, neither is able by his bulls, neither by his owne will and consent, neither by the consent of his colledge, either to make able or disable any man. 8. A man cannot be excommunicated to his hurt or vndoing, except he be first and principally excommunicate by himselfe. 9. No man ought, but in Gods cause alone, to excommunicate, suspend, or forbid, or otherwise to proceede to reuenge by any ecclesiasticall censure. 10. A curse or excommunication doth not simply binde, but in case it be pronounced and giuen out against the aduersary of Gods law. 11. There is no power giuen by any example, either by Christ or by his apostle, to excommunicate any subiect, specially for denying of any temporalties, but rather contrariwise. 12. The disciples of Christ haue no power to exact, by any ciuill authority, temporalties by censures. 13. It is not possible by the absolute power of God, that if the pope or any other christian doe pretend by any meanes to bind or to loose, that thereby hee doth so bind and loose. 14. We ought to beleeue that the vicar of Christ doth at such times onely binde and loose, when as he worketh conformably by the law and ordinance of Christ. 15. This ought vniuersally to bee beleeued, that euery priest rightly and duly ordered, according vnto the law of grace, hath power according to his vocation, whereby he may minister the sacraments, and consequently absolue any man confessing his fault, being contrite and penitent for the same. 16. It is lawfull for kings (in causes licensed by the law to take away the temporalties from the spiritualty, sinning *habitualiter*, that is, which continue in the custome of sinne, and will not amend. 17. Whether they be temporall lords, or any other men whatsoeuer they be, which haue endowed any church with temporalties; it is lawfull for them to take away the same temporalties, as it were by way of medicine, to auoid sinne notwithstanding any excommunication or other ecclesiasticall censure; forsomuch as they are not giuen but vnder a condition. 18. An ecclesiasticall minister, and also the bishop of Rome, may lawfully bee rebuked of his subiects, and for the profit of the church be accused either of the clergie or of the laitie."

These Letters with the Articles inclosed being thus receiued from the pope, the bishops tooke no little heart, thinking and fully determining with themselues, and that in open profession before their prouinciall counceil, that all manner respects of feare or fauour set apart, no person neither high nor low should let them, neither would they bee seduced by the intreaty of any man, nor by any threatenings or rewards, but that in this cause they would execute most surely vpright iustice and equitie: yea albeit present danger of life should follow thereupon. But these so fierce bragges, and stout promises, with the subtill practices of these bishops, which thought them so sure before: the Lord (against whom no determination of man's counsell can preuaile) by a small occasion did lightly confound and ouerthrow. For the day of the examination being come; a certaine personage of the princes court, and yet of no great noble birth, named

Lewes Clifford, entering in among the bishops, commanded them that they should not proceede with any definitiue sentence against Iohn Wickliffe. With which words all they were so amazed and their combes so cut, that (as in the story is mentioned) they became so mute and speechlesse, as men hauing not one word in their mouthes to answere. And thus by the wonderous worke of God his prouidence, escaped Iohn Wickliffe the second time out of the bishops hands; and was by them clearely dismissed vpon his declaration made of his articles, as anon shall follow.—Moreouer, here is not to be passed ouer, how at the same time, and in the said chappell of the archbishop at Lambeth, where the bishops were sitting vpon Iohn Wickliffe, the story writing of the doing thereof, addeth these words, saying: "*Non dico ciues tantùm Londinenses, sed viles ipsius ciuitatis se impudenter ingerere præsumpserunt in eandem capellam & verba facere pro eodem, & istud negotium impedire, confisi, vt reor, de ipsorum præmissa negligentia prælatorum, &c.*" That is, I say not onely, that the citizens of London, but also the vile abiects of the citie presumed to bee so bold in the same chappell at Lambeth, where the bishops were sitting vpon Iohn Wickliffe, both to intreat for him, and also to let and stop the same matter; trusting, as I suppose, vpon the negligence which they saw before in the bishops, &c.—Ouer and beside, here is not to be forgotten, how the said Iohn Wickliffe, the same time of his examination, offered and exhibited vnto the bishops in writing a protestation, with a declaration or exposition of his owne minde, vpon the said his articles, the effect hereof followeth:

The Protestation of Iohn Wickliffe.

"1. I protest (as I haue often before done) that I doe minde and intend with my whole heart (by the grace of God) to be a true Christian, and as long as breath shall remaine in me, to professe and defend the law of Christ. And if it shall happen that through ignorance or otherwise I shall faile therein: I desire my Lord God of pardon and forgiuenesse. And now againe as before also, I doe reuoke and make retractation; most humbly submitting my selfe vnder the correction of our holy mother the Church. And forsomuch as the sentence of my faith, which I have holden in the schooles and elsewhere, is reported euen by children, and moreouer is carried by children euen vnto Rome: therefore lest my deare beloued brethren should take any offence by me, I will set forth in writing the sentence and articles, for the which I am now accused and impeached: the which also euen vnto the death I will defend: As I beleeue all Christians ought to doe, and specially the bishop of Rome and all other priests and ministers of the Church. For I doe vnderstand the conclusions after the sense and manner of speaking of the Scriptures and holy doctors, the which I am ready to expound: And if they shall be found contrary vnto the faith, I am ready to reuoke, and speedily to call them backe againe."

An Exposition vpon the conclusions of Iohn Wickliffe, exhibited by him to the bishop.

"All the race of mankinde here in earth beside Christ, hath no power simply to ordaine, that Peter, &c.—This conclusion of it selfe is euident, forasmuch as it is not in mans power to stoppe the comming of Christ to his finall iudgement, but he must needs come, according to the article of our Creed, to iudge both the quicke and the dead. And then (as the Scripture teacheth) shall surcease all ciuill and politike rule here; I vnderstand the temporall and secular dominion pertaining to men here dwelling in this mortall life. For so doth the philosophers speake of ciuill dominion. And although the thing which is terminable, and hath an end, is called sometimes perpetuall: yet because in holy Scripture, and in vse of the Church, and in the bookes of philosophers most commonly that is taken to bee perpetuall, which hath no end of time hereafter to come: according to the which sense the Church singeth *Gloria patri, &c. Nunc, & in perpetuum;* I also after the same signification do take here this word (perpetually) and so is this conclusion consonant to the principles of the Scripture, that it is not in mans power to ordaine the course and voyage of the Church, here perpetually to last.

2. God cannot giue to any man, &c.—To the second conclusion I answere, vnderstanding ciuill dominion, as in the conclusion before. And so I hold, that God first by his ordinate power cannot giue to any person ciuill dominion here for euer: Secondly, by his absolute power it is not probable that he will so doe: forsomuch as hee cannot euer detain his spouse in perpetuall prison of this life, nor alwaies deferre the finall beatitude of his Church.

3. To the third conclusion. Many writings or charts inuented by men, as touching perpetuall heritage ciuill, be vnpossible.—The verity of this conclusion is incident. For we must not canonize all manner of charts whatsoeuer, as catholike, or vniuersall: for then it were not lawfull by any meanes to take away or sequester things giuen by chart or charter, when any doth vniustly occupy the same. And so if that stand confirmed and ratified by the faith of the Church, great occasion thereby should be ministred to men so chartered, to trust to their temporall charts; and so might grow thereby much liberty and licence to sinne. For like as by some supposition euery truth is necessary: so by the same supposition euery false thing is possible, as it is plaine by the testimony of the Scripture, and of holy doctors speaking of necessity of things to come.

4. Euery man being in grace iustifying finallie, hath not onelie right vnto the thing, but also for his time hath right indeede ouer all the good things of God.—The veritie hereof is euident, by holy Scripture, Mat. 24. Where verity promiseth to euery man entering into his ioy: verily (saith he) I tell you, he shall set and place him ouer all the goods he hath. For the right and title belonging to the communion of saints in their country (hee meaneth in the king-

dome of heauen). *Fundatur obiectiuè super vniversitatem bonorum Dei*: that is, hath his relation, as vnto his obiect, to al the goods and possession of God.

5. A man can but onely ministratoriously giue any temporall dominion or gift perpetuall, as well to his owne naturall sonne, as to his sonne by imitation.—It is euident. For euery man ought to recognise himselfe in all his workes and doings, as an humble seruant and minister of God. As the words of Scripture doe teach vs. Let a man so esteeme of vs as the ministers of Christ. Yea, so Christ himselfe did teach his chiefe apostles to minister; but in their country the saints shall giue vnto their fellow bretheren the dominion of their goods, "*Vt patet de suis corporibus & bonis eis inferioribus in natura*," according to the words of Luke 6. They shall giue you, and put into your bosomes a good measure and perfect, well filled and heaped vp, and running ouer.

6. If God bee, temporall lords may lawfully and meritoriously take away the goods of fortune from the Church when they doe offend habitualiter.—This conclusion is correlatiue with the first article of our faith: I beleeue in God the Father Almighty, &c. Where I vnderstand this word (may) in this conclusion after the manner of autentike Scripture, which saith and granteth, that God is able of these stones to raise vp children to Abraham; for otherwise all Christian princes were heretikes. For this conclusion thus standeth the reason: If God be, hee is omnipotent: and if hee be Almighty, hee is able to command the lords temporall so to doe: and if he may so command, then may they lawfully so take away such goods, &c. And so by the vertue of the same principle, Christian princes haue practised the said sentence upon the churchmen heeretofore, as did William Rufus, &c. But God forbid that any should beleeue heereby my intention to haue beene, that secular lords may lawfully take away what goods soeuer, and by what meanes soeuer, by their owne naked authority at their pleasure: but onely by the authority of the Church they may so doe, in cases and forme limited by the law.

7. We know that it is not possible that the vicar of Christ is able by his pure bulls, &c.—This is manifest by the catholike faith; forasmuch as the Church doth fully beleeue that the enabling of any man ought first to proceede and come of God; wherefore no man being Christ his vicar, hath any power in this matter, but onely as vicar in the name of the Lord, so farre forth as hee is enabled of the Lord, to notifie vnto the Church whom God hath enabled. Wherefore if any man doe any thing, not as vicar in the name of the Lord, whom he ought to forethinke to be his author and head; it is a presumption of Lucifer, forsomuch as Christ by his Apostle saith, 1 Cor. 3. All our abilitie or sufficiencie commeth of God. And so consequently, it commeth not purely by the ministery of his vicarship, that he is enabled; but the ablenesse or vnablenesse of him, being the vicar of Christ, commeth to him another way from aboue.

8. A man cannot be excommunicate to his hurt or vndoing, except he be excommunicate first and principally of himselfe.—It is euident, forasmuch as all such excommunication ought to proceede and begin originally of his owne sin which is damnified: whereupon Augustin saith, *De verbis Domini Sermone* 51. Doe not thou conculcate thy selfe, and man ouercommeth thee not. And moreouer the faith of the Church doth teach, *quòd nulla ei nocebit aduersitas, si nulla dominetur iniquitas*: that is to say; No aduersitie shall hurt, if no iniquitie hath the vpperhand. And yet notwithstanding, euery excommunication for many causes is also to be feared, although that the excommunication of the Church, to the humble man being excommunicated, be not damnable but wholsome.

9. No man ought but in God's cause alone to excommunicate, suspend, &c.—It is cleare, forasmuch as euery iust cause is the cause of God, whose respect ought chiefly to bee weighed and pondred. Yea, the loue of the person excommunicate, ought to surmount the zeale of reuengement, and the desire of all temporall goods whatsoeuer; for otherwise he that doth excommunicate, doth damnifie himselfe. To this 9. conclusion notwithstanding it is congruent, that a prelate may excommunicate in the cause also of man, so that his principall respect in so doing bee had to the iniury done to his God, as appeareth 13. *quæst.* 4. *Inter querelas.*

10. No curse or excommunication can bind simply, but in case it be giuen out against the aduersarie of Christ's law.—And it appeareth thus, because that God doth binde simply euery one that is bound, who cannot excommunicate but onely for transgression of his law. Whereunto it is consonant notwithstanding, that the censure of the Church doth not binde simply, but secondarily in that case and respect, as it is denounced against the aduersary of the members of the Church.

11. There is no example of Christ, which giueth power to his disciples to excommunicat any subiect (especially for denying of any temporalties) but contrary.—Which is thus declared by the faith, whereby wee beleeue that God is to be beloued aboue all things, and our neighbour and enemy are to bee beloued aboue all temporall goods of this world necessarily; for the law of God cannot be contrary vnto it selfe.

12. The disciples of Christ haue no power by any ciuil coaction to exact temporal things by their censures.—This appeareth by the faith of the Scripture, Luke 23. Where Christ did forbid his Apostles ciuilly to raigne or to beare any lordship. The kings (saith hee) of the Gentiles beare rule ouer them; but you not so. And after this sense it is expounded of S. Bernard, of S. Chrysostome, and other holy men: which conclusion notwithstanding, yet may they exact temporall things by ecclesiastical censures incidently, if case be that it appertaine to the reuengement of their God.

13. It is not possible by the absolute power of God, that if the pope or any other Christian do pretend to binde or loose at their pleasure by what meanes soeuer, that thereby he doth so binde and loose. — The contrary of this conclusion will destroy the whole Catholike faith, importing no lesse but him to be a blasphemer which so vsurpeth such absolute power of the Lord. And yet by this conclusion I intend not to derogate from the power of the pope, or of any other prelate of the Church, but that he may by the vertue of the head so binde and loose: But doe vnderstand the conditionall of this negatiue (to be impossible) after this sense, that it cannot be that the pope or any other prelate of the Church can pretend by himselfe to binde or loose (how and after what manner hee list himselfe) except in such sort, that hee doe indeede so binde and loose before God, as hee doth pretend to doe.

14. We ought to beleeue, that the vicar of Christ doth at such times onely binde and loose, when as he worketh conformably by the law and ordinance of Christ, &c. — The reason thereof is this, because otherwise it is vnlawfull for him so to doe, except he should do it in the vertue of that law? and so consequently, vnlesse it be conformable to the law and ordinance of Christ.

15. To this conclusion, this ought vniuersally to be beleeued, that euery priest rightly and duely ordered hath power according to his vocation, &c.—The reason hereof is this, because that the order of priesthood in his owne nature and substance receiueth no such degrees, either of more or lesse. And yet notwithstanding, the power of inferiour priests in these dayes, is vpon due consideration restrained, and sometimes againe, in time of extreeme necessitie, released. And thus according to the doctors, a prelate hath a double power, to wit, the power of order, and the power of iurisdiction or regiment. And according to this second power, the prelats are in a higher maiesty, and regiment.

16. It is lawfull for princes and kings (in cases by the law limited) to withdraw temporall commodities from churchmen, abusing the same *habitualiter*. The reason thereof is plaine, for that temporall lords ought rather to leane to spirituall almes, which bringeth with it great fruite, than to corporall almes the case so standing, that sometime it were a necessary worke of spirituall almes, to chastise such clerks by taking from them their temporall liuings, which vse to abuse the same to the damnifying both of their soule and body. The cases which the law doth limit in this matter, were the defect of correcting his spirituall head, or else for lacke of correcting the faith of the clerke which so offendeth, as appeareth, 16. q. 7. filijs Dist. 40. cap. Si papa.

17. Whether they be temporall lords, or any other men whatsoeuer, which haue endued any church with temporalties, &c.—The truth thereof is euidently seene, for that nothing ought to stop a man from the principall works of charitie necessarily, because in euery action and worke of man is to be vnderstood a priuie condition necessary of God, his good will concurring withall, as it is in the ciuill law de c. Conradi cap. 5. in fine collat. x. And yet God forbid, that by these words occasion should bee giuen to the lords temporall to take away the goods of fortune from the Church.

18. An ecclesiasticall minister, yea, the bishop of Rome may lawfully be rebuked of his subiects, and for the profit of the church be accused, either of the clergie, or of the laitie.— The proofe of this is manifest hereby, because the said bishop of Rome is subiect to fall into the sinne against the Holy Ghost, as may be supposed, sauing the sanctitude, humilitie and reuerence due to such a father. For so long as our brother is subiect vnto the infirmitie of falling, hee lyeth vnder the law of brotherly correction. And when the whole colledge of cardinals may be slothfull in ministring due correction for the necessary prosperitie of the Church: it is apparent that the residue of the body of the Church, which possibly may stand most of lay men, may wholesomely correct the same, accuse and bring him to a better way. The possibilitie of this case is touched, Dist. 40. Si Papa. If the pope doe erre from the right faith, &c. For like as such a great fall ought not to be supposed in the lord pope without manifest euidence: so againe, such an obstinacie ought not to bee supposed in him, possibly being fallen, but that hee will humbly receiue the wholesome medicine of his superior, correcting him in the Lord. The practice of which conclusion also is testified in many Chronicles. Farre bee it from the Church of Christ, that veritie should be condemned which soundeth euil to transgressors and other slothfull persons, for then the whole faith of the Scripture were in a damnable case.—Thus Iohn Wickliffe in giuing his Exposition vnto his foresaid propositions and conclusions, as is aboue prefixed, through the fauour and diligence of the Londoners, either shifted off the bishops, or else satisfied them so, that for that time he was dismissed and scaped clearely away, onely being charged and commanded by the said bishops, that hee should not teach or preach any such doctrine any more, for the offence of the lay people."

About the same time also, about 3 yeeres after, there fell a cruell dissention in England, betweene the common people and the nobility, the which did not a little disturbe and trouble the commonwealth. In this tumult Simon of Sudbury archbishop of Canturbury, was taken by the rusticall and rude people, and was beheaded. In whose place after succeeded William Courtney, which was no lesse diligent than his predecessor had beene before him, in doing his diligence to roote out heretikes. Notwithstanding in the meane season Wickliffe's sect increased priuily, and dayly grew to greater force, vntill the time that William Barton vicechancellor of Oxford, about the yeere of our Lord 1380, had the whole rule of that Vni-

uersitie: who calling together eight monasticall doctors, and four other, with the consent of the rest of his affinitie, putting the common seale of the Vniuersitie vnto certaine writings, set forth an edict, declaring vnto euery man, and threatning them vnder a grieuous penaltie, that no man should be so hardy, hereafter to associate themselves with any of Wickliffe's fautors or fauourers: and vnto Wickliffe himselfe he threatned the greater excommunication, and further imprisonment, and to all his fautors, vnlesse that they after three dayes canonicall admonition or warning, or as they call it, peremptorie, did repent and amend. The which thing when Wickliffe vnderstood, forsaking the pope and all the clergy, hee thought to appeale vnto the kings maiesty: but the duke of Lancaster comming between, forbade him that he should not hereafter attempt or begin any such matters, but rather submit himselfe vnto the censure and iudgement of his ordinary. Whereby Wickliffe being beset with troubles and vexations, as it were in the middest of the waues, he was forced once againe to make confession of his doctrine: in the which his confession, to auoide the rigor of things, hee answered as is aforesaid, making his declaration, and qualifying his assertions after such a sort, that he did mitigate and asswage the rigor of his enemies.—The next yeere after, which was 1382, by the commandement of William archbishop of Canturbury, there was a conuocation holden at London, where as Iohn Wickliffe was also commanded to be present. But whether he there appeared personally or not, I finde it not in story certainly affirmed. The mandate of the archbishop William Courtney (sent abroad for the conuenting together of this councell) here followeth vnder written, truely copied out of his owne registers.—Memorandum, that where as well amongst the nobles as commons of this realme of England, there hath a certaine brute bin spread of diuers conclusions both erroneous, and also repugnant to the determination of the Church, which tend to the subuersion of the whole Church, and to our prouince of Canturburie, and also to the subuersion of the whole realme, being preached in diuers and sundrie places of our said prouince, generally, commonly, and publikely: Wee William by Gods permission Archbishop of Canturbury, Primate of all England, and Legate of the Sea Apostolicall, being minded to execute our office and duty herein; haue conuocated or called together certaine our fellow brethren and others a great many, as well doctors and batchelers of diuinity, as doctors of the canon and ciuill law, and those whom we thought to be the most famous men, skilfullest men, and men of soundest iudgement in religion, that were in all the realme, whose names hereunder ensue. And the same being (the 17 day of the moneth of May) in the yeere of our Lord 1382, in a certaine chamber within the territories of the priorie of the friers preachers of London, before vs and our foresaid fellow brethren assembled; then and there personally present: After that the said conclusions (the tenor whereof hereunder ensueth) were openly proponed, and distinctly and plainly read: We burthened our foresaid fellow brethren, doctors, and bachelers, in the faith wherein they stood bound to our Lord Jesus Christ, and as they would answer before the high Judge in the day of Judgement, that they should speake their opinions touching the said conclusions, and what euery of them thinketh therein.

And at length, after good deliberation had vpon the premisses, the foresaid our brethren the bishops, doctors and bachelers, reassembled before vs the 21 day of the same moneth in the foresaid chamber, the foresaid Conclusions being againe and againe repeated and plainly read; by vs and by the common consents of vs all it remaineth published and declared, that some of the said conclusions are hereticall, and othersome erroneous and contrary to the determination of the Church, as hereafter most manifestly shall appeare. And forasmuch as by sufficient information we find and perceiue, that the said conclusions in many places of our said prouince haue beene, as is said, both taught and preached; and that diuers other persons doe hold and maintaine the same, and be of heresie vehemently and notoriously suspected: wee haue thought good, as well generally as specially, to send out this processe vnderwritten.

The names of the Iurers were these.—Imprimis, 7 Bishops, Canturbury, Winchester, Durham, Exceter, Hereford, Sarum, Rochester, and Frier Botlesham, B.—Item, 3 friers preachers, Siward, Paris, Langley.—Item, 4 minorites, Foluile, Carlel, Frisly, Bernwel.—Item, Augustine friers foure, Ashborne, Bowkin, Woldley, Hornington.—Item, Carmelites 4, Glanuile, Dis, Loney, Kiningham.—Item, Monkes 4, Wels, Ramsey, Bloxam, Maxton.—Item, doctors of the canon and ciuill law 14, Appelby, Waltrom, Baketon, Chadesen, Tregision, Stow, Blanchard, Rocombey, Lidford, Welbourne, Flaineburgh, Motrum, Brandon and Prophet.—Item, Bachelers of Diuinitie 6, Humbleton, Pickwech, Lindlow, Wich, Chiselden, Tomson.—The articles of John Wickliffe here aboue specified, whereof there were 10, which were by these friers condemned as hereticall, the rest as erroneous, here in order follow, and are these. Although it may bee thought, that some of them were made worse by their sinister collecting, than he meant them in his owne workes and writings.

The Articles of Iohn Wickliffe, condemned as hereticall. 1. The substance of materiall bread and wine, doth remaine in the Sacrament of the Altar after the consecration. 2. The accidents doe not remaine without the subiect in the same sacrament, after the consecration. 3. That Christ is not in the sacrament of the altar truely and really, in his proper and corporall person. 4. That if a bishop or a priest be in deadly sin, hee doth not order, consecrate, nor baptize. 5. That if a man be duly and truely contrite and penitent, all exteriour

and outer confession is but superfluous and unprofitable unto him. 6. That it is not found or stablished by the Gospell, that Christ did make or ordaine masse. 7. If the pope be a reprobate and euill man, and consequently a member of the Diuell; hee hath no power by any manner of meanes giuen unto him ouer faithfull Christians, except peraduenture it be giuen him from the emperour. 8. That since the time of Urban the 6, there is none to be receiued for pope, but euery man is to liue after the manner of the Greeks, vnder his own law. 9. That it is against the Scripture, that ecclesiasticall Ministers should haue any temporall possessions.

The other Articles of Iohn Wickliffe, condemned as erroneous. 10. That no prelate ought to excommunicate any man, except hee knew him first to be excommunicate of God. 11. That he, which doth so excommunicate any man, is thereby himselfe either an heretike or excommunicated. 12. That a prelate or bishop excommunicating any of the clergy, which hath appealed to the king or the councell, is thereby himselfe a traitor to the king and realme. 13. That all such, which doe leaue off preaching or hearing the Word of God or preaching of the Gospell, for feare of excommunication; they are already excommunicated, and in the day of iudgement shall be counted as traitors vnto God. 14. That it is lawfull for any man, either deacon or priest, to preach the Word of God without the authoritie or licence of the Apostolike Sea or any other of his catholickes. 15. *(a)* That so long as a man is in deadly sin, hee is neither bishop nor prelat in the Church of God. 16. *(b)* Also that the temporall lords may, according to their own will and discretion take away the temporall goods from the churchmen whensoeuer they doe offend. 17. That tenths are pure almes, and that the parishioners may, for offence of their Curats, detaine and keepe them back, and bestow them vpon others, at their owne will and pleasures. 18. Also that all speciall prayers applyed to any priuate or particular person, by any prelat or religious man, doe no more profit the same person, than generall or vniuersall prayers doe profit others, which bee in like case or state vnto him. 19. Moreouer, in that any man doth enter into any priuate religion, whatsoeuer it bee, hee is thereby made the more vnapt and vnable to obserue and keepe the Commandements of God. 20. That holy men which haue instituted priuate religions, whatsoeuer they be (as well such as are indued and possessed, as also the order of begging friers hauing no possessions) in so doing, haue grieuously offended. 21. That religious men, being in their priuate religions, are not of the Christian religion. 22. That friers are bounden to get their liuing by the labour of their hands, and not by begging. 23. That whosoeuer doth giue any almes vnto friers, or to any begging obseruant, is accursed, or in danger thereof.

The letter of the Archbishop directed to the Bishop of London, against Iohn Wickliffe and his adherents.—William by Gods permission Archbishop of Canturburie, Metropolitane of all England, and of the apostolicall Sea legate; To our reuerend brother by the grace of God bishop of London, salutation. The prelats of the Church ought to bee so much the more vigilant and attentiue about the charge of the Lords flocke committed vnto them: how much the more they shall vnderstand the Wolues, being clothed in sheepes apparell, frauduleutly to go about to worrie and scatter the sheepe. Truely by the continuall crie and bruted fame (which it grieueth me to report) it is come to our knowledge that although by the canonicall sanctions, no man being forbidden or not admitted, should either publicly or priuily without the authoritie of the apostolicall Sea or bishop of that place, vsurpe or take vpon him the office of a preacher: Some notwithstanding, such as are the children of damnation, being vnder the vale of blinde ignorance, are brought into such a doting minde, that they take vpon them to preach, and are not affraid to affirme and teache diuers and sundrie propositions and conclusions here vnder recited, both hereticall, erroneous and false, condemned by the Church of God, and repugnant to the decree of holy Church, which tend to the subuerting of the whole state of the same, of our prouince of Canturburie, and to the destruction and weakning of the tranquilitie of the same; and that as well in the churches, as in the streets, as also in manie other prophane places of our said prouince, generaly, comonly and publikly, do preach the same, infecting very many good christians, causing them lamentably to wander out of the way, and from the catholike Church, without which there is no saluation. We therefore, considering that so pernicious a mischiefe, which may creepe amongst manie, we ought not to suffer, and by dissimulation to passe ouer, which may with deadly contagion slay the soules of men, lest their blood be required at our hands; are willing so much as God will permit vs to doe, to extirpate the same. Wherefore, by the counsell and consent of many of our bretheren and Suffragans, wee haue conuented diuers and sundrie doctors of diuinitie, as also professors and other clerks of the canon and ciuill lawes, the best learned within the realme, and of the most soundest opinion and iudgement in the catholike faith, to giue their opinions and iudgements concerning the foresaid conclusions. But forasmuch as the said conclusions and assertions, being in the presence of vs, and our fellow brethren and other conuocates, openly expounded, and diligently examined, were in the end found by common counsell and consent as well of them as of vs, and so declared that some of those conclusions were hereticall, and some of them

(a) This article peraduenture was not so straitly ment of him as it was gathered of them, as is aforesaid.

(b) This article expoundeth the ix article aboue.

erroneous, and repugnant to the determination of the Church, as hereunder are described. We will and command your brotherhood and by vertue of holy obedience straitly inioine all and singular our brethren, and suffragans of our bodie and Church of Canturburie, that with all speedie diligence you possibly can you likewise enioine them (as wee haue enioined you) and euerie of them. And that euerie one of them in their Churches and other places of their citie and diocesse, doe admonish and warne, and that you, in your Church and other Churches of your citie and dioces doe admonish and warne, as we by the tenor of these presents doe admonish and warne the first time, the second time, and the third time; and yet more straitly doe warne, assigning for the first admonition one day, for the second admomtion another day, and for the third admonition canonicall and peremptorie, another day; That no man from henceforth of what estate or condition soeuer, doe hold, preach, or defend the foresaid heresies and errors or any of them; nor that he admit to preach any one that is prohibited or not sent to preach, nor that he heare or hearken to the heresies or errors of him or any of them, or that hee fauour or leane vnto him either publikely or priuily; but that immediately hee shun him, as he would auoid a serpent putting forth most pestiferous poison, vnder paine of the greater curse, the which wee command to bee thundered against all and euerie one which shall be disobedient in this behalfe, and not regarding these our monitions, after that those three daies be past which are assigned for the canonicall monition, and that their delay, fault or offence committed require the same: And then according to the tenour of these writings, we command both by euerie one of our fellow bretheren and our suffragans in their cities and dioces, and by you in your citie and diocesse (so much as belongeth both to you and them) that to the vttermost both ye and they cause the same excommunications to be pronounced. And furthermore wee will and command our foresaid fellow bretheren, and all and singular of you apart by your selues, to bee admonished and by the aspersion of the blood of Iesus Christ wee likewise admonish you; that according to the institution of the Sacred Canons, euery one of them in their cities and dioces, bee a diligent inquisitor of this hereticall prauitie; and that euery one of you also in your cities and dioces bee the like inquisitor of the foresaid hereticall prauitie: And that of such like presumption they and you carefully and diligently inquire, and that both they and you (according to your duties and office in this behalfe) with effect doe proceede against the same, to the honour and praise of his name that was crucified, and for the preseruation of the Christian faith and religion.

Here is not to be passed ouer the great miracle of Gods diuine admonition or warning; for when as the archbishop and suffragans, with the other doctors of diuinitie, and lawyers with a great company of babling friers, and religious persons were gathered together to consult as touching Iohn Wickliffes books, and that whole sect; when as I say, they were gathered together at the gray friers in London, to begin their businesse, vpon saint Dunstans day after dinner, about two of the clocke, the very houre and instant that they should goe forward with their businesse, a wonderfull and terrible earthquake fell throughout all England: whereupon diuers of the suffragans, being feared by the strange and wonderfull demonstration, doubting what it should meane, thought it good to leaue off from their determinate purpose. But the archbishop (as chiefe captaine of that army, more rash and bold than wise) interpreting the chance which had happened cleane contrary to another meaning or purpose, did confirme and strengthen their hearts and minds, which were almost daunted with feare, stoutly to proceede and goe forward in their attempted enterprise. Who then discoursing Wickliffes articles, not according vnto the Sacred Canons of the holy Scripture, but vnto their owne priuate affections and traditions, pronounced and gaue sentence, that some of them were simply and plainely hereticall, other some halfe erroneous, other irreligious, some seditious, and not consonant to the Church of Rome.—Item, the twelfth day of June, in the yeere aforesaid, in the chamber of the friers preachers, the foresaid master Robert Rigge, Chancellor of the Vniuersitie of Oxford, and Thomas Brightwell professors of diuinitie (being appointed the same day and place, by the foresaid reuerend father in God archbishop of Canturburie) appeared before him in the presence of the reuerend father in God, lord William by the grace of God bishop of Winchester and diuers other doctors and bachelors of diuinitie and of the canon ciuill and law, whose names are before recited. And first the said Chancellor by the said lord Archbishop of Canturbury, being examined what his opinion was touching the foresaid articles, publikely affirmed and declared, that certain of those conclusions were hereticall, and certaine erroneous, as the other doctors and clerkes afore mentioned had declared. And then immediately next after him, the foresaid Thomas Brightwell was examined, which vpon some of the conclusions at first somewhat staggered, but in the end, being by the said Archbishop diligently examined vpon the same, did affirme and repute the same to bee hereticall and erroneous, as the foresaid Chancellor had done. Another Bachelor of Diuinitie also there was named N. stammering also at some of those conclusions, but in the end affirmed that his opinion therein was, as was the iudgement of the foresaid Chancellor and Thomas as is aboue declared. Whereupon, the said lord Archbishop of Canturbury, willing to let and hinder the perill of such heresies and errours, deliuered vnto the foresaid Chancellour, there being publikely read, his letters patents to be executed, the tenor whereof in these words doth follow.

William by the grace of God archbishop of

Canturburie, primate of all England, and legate of the apostolicall Sea: To our welbeloued sonne in Christ the Chancellor of the Vniuersitie of Oxford, within the diocesse of Lincolne, greeting, grace, and benediction. The prelats of the Church, about the Lords flocke committed to their charge, ought to be so much more vigilant as that they see the Woolfe, clothed in sheeps attire, fraudulently go about to worrie and scatter the sheepe. Doubtlesse, the common fame and brute is come vnto our eares, &c. *Vt in mandato precedenti.* Wee will therefore and command, straitly inioyning you, that in the Church of our blessed Ladie in Oxford, vpon those daies in the which accustomable the sermon is made, as also in the schooles of the said Vniuersitie vpon those daies the Lectures bee read, yee publish and cause by others to bee published to the clergie and people, as well in their vulgar tongue, as in the Latine tongue, manifestly and plainely without any curious implication, the same hereticall and erroneous conclusions, so repugnant to the determination of holy Church, as is aforesaid; to haue beene and be condemned; which conclusions wee also declare by these our letters to bee vtterly condemned. And that furthermore you forbid, and canonically admonish and cause to bee admonished, as wee by the tenour of these presents doe forbid and admonish you, once, twice, and thrice, and that peremptorily that none hereafter hold, teach, and preach, or defend the heresies and errors abouesaid, or any of them, either in schoole or out of schoole by any sophisticall cauillation or otherwise: or that any admit to preach, here or hearken vnto Iohn Wickliffe, Nicholas Herford, Philip Repington, canon regular, or Iohn Ashton, or Laurence Redman, which be vehemently and notoriously suspected of heresie, or else any other whatsoeuer, so suspected or defamed; or that either priuately or publikely they either side or fauour them or any of them, but that incontinently they shun and auoide the same as a Serpent which putteth forth most pestiferous poyson. And furthermore we suspend the said suspected persons from all scholasticall act, till such time as they shall purge themselues before vs in that behalfe: and that you denounce the same publikely by vs to haue beene and be suspended; and that yee diligently and faithfully enquire of all their fautors and fauourers, and cause to bee enquired throughout all the balls of the said Vniuersitie. And that when you shall haue intelligence of their names and persons, that ye compell all and euerie of them to abiure their outrages by ecclesiasticall censures and other paines canonicall whatsoeuer, vnder paine of the greater curse, the which against all and singular the rebellious in this behalfe, and disobeying our monitions, wee pronounce: so that their fault, deceit, and offence in this behalfe deserue the same (the said monition of ours being first sent) which in this behalfe we esteeme and allow canonicall, that then and againe according to the effect of these our letters, &c. The absolution of all and singular such, which shall incurre the sentence of this instrument by vs sent forth (which God forbid) wee specially reserue vnto our selues: exhorting you the Chancellor by the aspersion of the blood of Iesus Christ, that to the vttermost of your power hereafter you doe your endeauour, that the clergie and people being subiect vnto you, if there bee any which haue straied from the catholike faith by such errours, may bee brought home againe to the laud and honour of his name that was crucified, and preseruation of the true faith. And further our will is, that whatsoeuer you shall doe in the premises, in manner and forme of our processe in this behalfe it be had and done: andthat you for your part, when you shall be required thereunto, plainely and distinctly doe certifie vs by your letters patents, hauing the tenour hereof.

The archbishop not yet contented with this, doth moreouer by all meanes possible solicite the king to ioyne withall the power of his temporall sword; for that hee well perceiued, that hitherto as yet the popish clergie had not authoritie sufficient, by any publike law or statute of this land, to proceede vnto death against any person whatsoeuer, in case of religion, but onely by the vsurped tyranny and example of the court of Rome. Where note (gentle reader) for thy better vnderstanding, the practice of the Romish prelats in seeking the king's helpe to further their bloody purpose against the good saints of God. Which king being but young, and vnder yeeres of ripe iudgement, partly induced, or rather seduced by importune suts of the foresaid archbishop, partly also either for feare of the bishops (for kings cannot alwayes doe in their realmes what they will) or else perhaps inticed by some hope of subsidie to be gathered by the clergy, was content to adioyne his priuat assent (such as it was) to the setting downe of an ordinance, which was indeed the very first law that is to bee found made against religion and the professours thereof, bearing the name of an act made in the parliament holden at Westminster, anno 5. Rich. 2, where among sundry other statutes then published, and yet remaining in the printed bookes of statutes, this supposed statute is to bee found, *cap. 5. & vltimo*, as followeth.

Item, forsomuch as it is openly known that there be diuers euill persons within the realm, going from county to county, and from towne to towne, in certaine habits vnder dissimulation of great holinesse, and without the licence of the ordinaries of the places, or other sufficient authoritie, preaching daily not onely in Churches and Church-yards, but also in markets, faires, and other open places where a great congregation of people is, diuers sermons containing heresies and notorious errors, to the great emblemishing of Christian faith and destruction of the lawes, and of the estate of Holy Church, to the great perill of the soules of the people, and of all the realme of England, as more plainely is found, and sufficiently prooued before the reuerend father in God the archbishop of Canturbury, and the bishops and other prelats,

masters of diuinitie, and doctors of canon and of ciuill law, and a great part of the clergy of the said realme, specially assembled for this great cause; which persons doe also preach diuers matters of slander, to ingender discord and dissention betwixt diuers estates of the said realme, as well spirituall as temporall, in exciting of the people to the great perill of all the realme: which preachers being cited or summoned before the ordinaries of the places, there to answer to that wherof they be impeached, they will not obey to their summons and commandements, nor care not for their monitions nor censures of the Holy Church, but expresly despise them; and moreouer, by their subtile and ingenious words, doe draw the people to heare their sermons, and doe maintaine them in their errors by strong hand, and by great routs: It is ordained and assented in this present parliament, that the king's commissions bee made and directed to the sheriffes and other ministers of our soueraigne lord the king, or other sufficient persons learned, and according to the certifications of the prelats thereof, to bee made in the Chancery from time to time, to arrest all such preachers, and also their fautors, maintainers and abetters, and to hold them in arrest and strong prison, till they will iustifie themselues according to the law and reason of Holy Church. And the king willeth and commandeth, that the Chancellor make such commissions at all times, that hee by the prelats, or any of them shall be certified and thereof required, as is aforesaid.

An Examination of the foresaid supposed Statute, and of the inualidity thereof.—Which supposed statute forasmuch as it was the principall ground whereupon proceeded all the persecution of that time; it is therefore not impertinent to examine the same more particularly, whereby it shal appeare, that as the same was fraudulently and vnduely deuised by the prelats only, so was it in like maner most iniuriously and vnorderly executed by them. For immediately vpon the publishing of this law, without further warrant either from the king or his councel, commissions vnder the great seale of England were made in this forme: Richard by the grace of God, &c. vt patet act. pag. 541. Witnesse my selfe at Westminster the 26 day of Iune, in the sixth yeare of our raigne. Without more words of warrant vnder written, such as in like cases are both vsuall and requisite; viz. *per ipsum regem: per rege & concilium:* or *per breue de priuato sigillo.* All or any which words being vtterly wanting in this place, as may bee seene in the king's records of that time; it must therefore be done either by warrant of this foresaid statute, or els without any warrant at all. Whereupon it is to be noted, that whereas the said statute appointed the commissions to be directed to the shiriffe, or other ministers of the king's, or to other sufficient persons learned for the arresting of such persons; the said commissions are directed to the archbishop and his suffragans, being as it appeareth parties in the case, authorizing them further without either the words, or reasonable meaning of the said statute, to imprison them in their owne houses, or where else pleased them.

Besides also, what manner of law this was, by whom deuised, and by what authority the same was first made and established, iudge by that that followeth: viz.

In the Utas of Saint Michael next following, at a parliament summoned and holden at Westminster, the sixth yeere of the said king, among sundery petitions made to the king by his commons, whereunto hee assented, there is none in this forme, article 52.

Item, prayen the commons, that whereas an estatute was made the last parliament in these words: It is ordained in this present parliament, that commissions from the king bee directed to the shiriffes and other ministers of the king, or to other sufficient persons skilfull, and according to the certificats of the prelats thereof, to bee made vnto the Chancery from time to time, to arrest all such preachers, and their fautors, maintainers and abetters: and them to detaine in strong prison, vntill they will iustifie themselues according to reason, and law of Holy Church: and the king willeth and commandeth that the Chancellor make such commissions at all times, as he shall be by the prelats or any of them certified, and thereof required, as is aforesaid. The which was neuer agreed nor granted by the commons: but whatsoeuer was mooued therein, was without their assent: that the said statute be therefore disannulled. For it is not in any wise their meaning, that either themselues, or such as shall succeede them, shall bee further iustified or bound by the prelats, than were their ancestors in former times, whereunto is answered, *il plaist a Roy.* 1. the king is pleased.

Hereby notwithstanding the former vniust law of an. 5. was repealed, and the fraud of the framers thereof sufficiently discouered: yet such meanes was there made by the prelats, that this act of repeale was neuer published, nor euer sithence imprinted with the rest of the statutes of that parliament. Insomuch as the said repeale being concealed, like commissions and other processe were made from time to time, by vertue of the said bastard statute, as well during all the raigne of this king, as euer sithence against the professors of religion.

Meane while what became of J. Wickliffe it is not certainly knowne. Albeit, so farre as may hee gathered out of Walden, it appeareth that he was banished and driuen to exile. In the meane time it is not to bee doubted, but he was aliue during all this while, whersoeuer he was, as by his letter may appeare, which he about this time wrote to pope Urbane the sixth. In the which letter he doth purge himselfe, that being commanded to appeare before the pope at Rome, hee came not; declaring also in the same a briefe confession of his faith. The copie of which epistle here followeth.

The epistle of John Wickliffe sent vnto pope Vrbane the sixth. Anno 1382.—Verily I doe reioyce to open and declare vnto euery man

the faith which I doe hold, and specially vnto the bishop of Rome; the which forsomuch as I doe suppose to bee sound and true, he will most willingly confirme my said faith, or, if it bee erroneous, amend the same. First. I suppose, that the Gospell of Christ is the whole body of Gods law; and that Christ, which did giue the same law himselfe, I beleeue to be a very man, and in that point, to exceeed the law of the Gospell, and all other parts of the Scripture. Againe, I doe giue and hold the bishop of Rome, forsomuch as he is the vicar of Christ, here in earth, to be bound most of all other men vnto that law of the Gospell. For the greatnesse amongst Christs disciples did not consist in worldly dignitie, or honours, but in the neere and exact following of Christ in his life and manners: whereupon I doe gather out of the heart of the law of the Lord, that Christ for the time of his pilgrimage here was a most poore man, abiecting and casting off all worldly rule and honour, as appeareth by the Gospell of Matth. the 8. and the 2 Cor. 8. chap.—Hereby I doe fully gather, that no faithfull man ought to follow, either the pope himselfe, or any of the holy men, but in such points as he hath followed the Lord Jesus Christ. For Peter and the sonnes of Zebede, by desiring worldly honour contrary to the following of Christs steps, did offend, and therefore in those errours they are not to be followed.—Hereof I doe gather, as a counsell, that the pope ought to leaue vnto the secular power all temporall dominion and rule, and thereunto effectually to moue and exhort his whole clergy; for so did Christ, and specially by his Apostles. Wherefore if I haue erred in any of these points, I will most humbly submit my selfe vnto correction, euen by death if necessitie so require: and if I could labour according to my will or desire in mine owne person, I would surely present myselfe before the bishop of Rome; but the Lord hath otherwise visited me to the contrarie, and hath taught me rather to obey God than men. Forsomuch then as God hath giuen vnto our pope iust and true euangelicall instinctions: we ought to pray that those motions be not extinguished by any subtle or crafty deuice.—And that the pope and cardinals be not moued to doe any thing contrary vnto the law of the Lord. Wherefore let vs pray vnto our God, that hee will so stirre vp our pope Vrbane the sixth, as he began, that he with his clergy may follow the Lord Jesus Christ in life and manners: and that they may teach the people effectually, and that they likewise may faithfully follow them in the same. And let vs specially pray that our pope may be preserued from all maligne and euill counsell, which we doe know that euill and enuious men of his houshold would giue him. And seeing the Lord will not suffer vs to be tempted aboue our power, much lesse then will hee require of any creature to doe that thing which they are not able; forsomuch, as that is the plaine condition and manner of Antichrist.

Which John Wickliffe returning againe with in short space, either from his banishment, or from some other place where he was secretly kept, repaired to his parish of Lutterworth, where he was parson; and there, quietly departing this mortall life, slept in peace in the Lord, in the beginning of the yeere 1384, vpon Siluesters day.

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12. PROCEEDINGS IN PARLIAMENT against Alexander Nevil, archbishop of York, Robert Vere, duke of Ireland, Michael de la Pole, earl of Suffolk, Robert Tresilian, lord chief justice of England, and Nicholas Brambre some time mayor of London, and others, for High-Treason: 11 Richard II. A.D. 1388. [3 Hol. Chron. 453. Grafton, 377. Walsing. 334. 3 Tyrrel, 895. Brady, 307. 1 Cobb. Parl. Hist. 188.]

THESE men being raised from mean estates by the favour of the king, and advanced to the degree of Privy-Counsellors, were the men who had the only rule of the Commonwealth, which under the king they governed for some small space with careful diligence, acquiring thereby deserved commendations: but not long did they thus steer the ship of the kingdom, for many of them being of inferior rank by birth, not having their veins dignified with noble blood, they were the sooner enticed with the libidinous baits of voluptuousness, and infected with the insatiable itch of avarice; insomuch that despising the authority of the king, and neglecting the commodity of the realm, and only desiring to keep up the Revenues of the kingdom, they so wrought by their policy, that the king is impoverished, and the treasury exhausted: upon which the Commons murmur at the multiplicity of Tenths, Levies and Subsidies; the Peers repine to see themselves disgraced and their inferiors honoured; and in a word, the whole kingdom endures an universal misery.—The nobility, seeing the miserable estate wherein the whole kingdom lay, bleeding as it were to death, urged the king to summon a Parliament, to the end the Grievances of the nation might be inquired into and redressed. A Parliament was shortly after held, October 1, 1386, in which, among many other Acts, John Fortham bishop of Durham was discharged of his office of Treasurer, and John Gilbert bishop

of Hereford appointed in his place; and Michael de la Pole (*a*) earl of Suffolk and Chancellor of England was dismissed from his chancellorship, and immediately after was impeached of high Crimes and Misdemeanors by the Commons, as follows:

1. "That the said earl being Chancellor, and sworn to act for the just profit of the king, hath purchased of our lord the king, lands, tenements and rents to a great value, as appears by the Record in the Rolls of Chancery; and that against his Oath, not regarding the great necessity of the king and realm, being Chancellor at the time of such purchase made, did cause the said lands and tenements to be set at a much smaller value than really they were worth by the year, in deceit of the king." [Rot. Par. 10 Rich. 2. No. 1. &c.]

To this first Article the earl answered to this effect: That while he was Chancellor, he neither purchased any lands of the king, nor did he give any to him, unless when he made him an earl, he had 400 marks per ann. from the king by way of exchange, for so much as he had by inheritance out of the Customs of Kingston-upon-Hull, whereof some part was assigned to him by one Tydeman of Limburgh and others before he was Chancellor, and some part since that time; which exchange was for the king's annual advantage; as also because of the sum of 1000 marks paid by the earl upon that consideration. And he further endeavoured to prove, that the Oath he had taken, when he was made Chancellor, had another intent than what they (the commons) would put upon it: and yet notwithstanding that Oath, he might lawfully take, or purchase from the king.

But the Commons not being satisfied with this Answer, replied thereto, and shewed the lords the copy of his (the Chancellor's) Oath, when he took the Great Seal into his custody, being in manner following, viz. 'You shall 'swear that you will well and truly serve our 'lord the king and his people, in the office of 'Chancellor, and will do right to all persons 'both poor and rich, according to the laws 'and customs of the realm, and shall faithfully 'advise the king, and conceal his counsels; 'and you shall not know of, nor permit any 'damage or disherison to the king, nor that the 'rights of his crown shall by any ways be de-'stroyed, if you can hinder it; and if you can-'not hinder it, you shall then clearly and ex-'pressly make it known to the king, together 'with your faithful Advice and Counsel there-'upon: and you shall always act for, and pro-'cure the profit of the king, in all things where 'you may reasonably do it. So help you God 'and the Holy Gospels.'—Wherefore the Commons prayed, that this being read and well understood, and the circumstances of his said Answer considered, to wit, that he had not denied to have received of the gift of the king since he was made an earl, and being then in the office of Chancellor, divers lands and tenements, as is contained in the Impeachment, and it is openly known that he had received from the king other lands and tenements, that are certain and sure, to the value of 400 marks per annum, in exchange for 400 marks yearly, which he had upon the Customs of Kingston upon Hull, that are casual, and not so sure, without informing the king of his damage in that particular: and whereas he the said Chancellor has alledged, that he received part of the said lands and tenements so taken in exchange before he was Chancellor: the Commons reply that he was then sworn of the king's privy council, and that afterwards at his being made Chancellor, was again obliged by oath; and that being in the said office, he had agreed to the exchanges by him before desired, and had received from the king the remainder of the said lands and tenements in full performance of the said exchanges; and therefore they demand Judgment of the parliament upon his aforesaid Answer; which being thought insufficient by the Lords, the following Judgment was given, being to this effect: That since the said earl had not alledged in his Answer, that he had observed his Oath, when he swore 'that he would not know of, or suffer any damage or disherison of the king, nor that the right of his crown should any ways be destroyed if he could hinder it,' with the rest of the clause in the said Oath, as is above recited; yet that he being the principal minister of the king, and knowing his estate, and the necessity of the realm, had taken such lands and tenements as are laid in the said Impeachment, and are recited in the first Article: and though he hath alledged in his Answer, that the gifts so bestowed upon him, were confirmed in full parliament; yet since he hath produced no such Record enrolled in parliament, therefore it was adjudged, 'That all manors, lands, tenements, and their appurtenances, so received by him from the king, should be seized and taken into his hands, to have and to hold them to him, and his heirs, as fully as ever they had been before the gift so made of them to the said earl, with the issues and mesne profits of the same from the time of the said grant, and which were to be levied out of the rest of the said earl's lands elsewhere; yet that it was not the intention of the king, nor of the lords, that this Judgment so given should make him lose the title of earl, nor yet the 20 marks yearly, which he was to receive out of the issues and profits of the county of Suffolk, by reason of the said title.

2. The second Article is, "That whereas nine lords were assigned by the last parliament to view and examine the State of the King and Realm, and to deliver their advice how the same might be improved and amended and put into better order and governance; and thereupon such Examination to be delivered to the king, as well by word of mouth as in writing: and although the said late Chancellor did say in full parliament, that the said Advice and Ordinances should be put in due execution, yet

(*a*) He was son to a merchant in London.

it was not done, and that by the default of him who was the principal officer or minister."—The earl's Answer to this being not very material, is omitted.

3. Item, "Whereas a Tax was granted by the Commons in the last parliament to be expended according to a certain form demanded by the said Commons, and assented to by the king and lords, and not otherwise; yet the monies thence arising were expended in another manner, so that the Sea was not guarded as it was ordered to have been; whence many mischiefs have already happened, and more are like to ensue to the realm, and all this by the default of the said Lord Chancellor"—This Article the earl denied, and it does not appear that it was proved.

4. Item, "Whereas one Tydeman of Limburgh having had granted to him and his heirs a gift of 50*l.* per annum by the king's grand-father, out of the Customs of Kingston upon Hull, which the said Tydeman had forfeited to the king, so that the payment of the said 50*l.* per annum was discontinued for 35 years and upwards; yet the said Chancellor knowing the premises, purchased to him and his heirs of the said Tydeman, the said 50*l.* per annum, and prevailed with the king to confirm the said purchase, whereas the king ought to have had the whole profit."—For this Purchase the said earl was adjudged to make fine and ransom, and the said 50*l.* were to go to the king and his heirs, with the manor of Floxdete, and ten marks of rent, which were exchanged for the 50*l.* per annum out of the customs or profits, with the issues aforesaid.

5. "And whereas the master of St. Anthony is a schismatic, and for that cause the king ought to have the revenues (being to the value of 400 marks yearly) which appertain to him in England; the said late Chancellor, who ought to advance and procure the profit of the king, took to farm the said profits at 20 marks per annum, and so got to his own use above 300 marks; and afterwards when the true master nominated by the Pope, ought to have had the possession and livery of the said profits, he could not obtain the same, till he and two persons with him became bound by recognizance in chancery of 3,000*l.* to pay yearly to the said Chancellor, and his son, John 100*l.* per annum for the term of their two lives."—As to this, it is adjudged, that the king shall have all the Profits belonging to the said master of St. Anthony's at the time of the purchase; and that for the recognizance, so made, the said earl shall be awarded to prison, and fined and ransomed at the pleasure of the king.

6. Item, "That in the time of the late Chancellor, there were granted and made divers charters, and patents of pardon for murders, treasons, felonies, &c. against the laws of the land; and that before the commencement of this present parliament, there was made and sealed a charter of certain Franchises granted to the castle of Dover, in disherison of the crown, and to the subversion of the pleas and courts of the king, and of his laws."—To this the Judgment was, The king awards that those Charters be repealed.

7. Item, "Whereas by an Ordinance made in the last parliament, that 10,000 marks should be raised for the relief of the city of Gaunt, yet by the default of the said late Chancellor the said city of Gaunt was lost, and also a thousand marks of the said money." *(b)* The sum of the earl's Answers to the rest of these Articles, were either by denying some of them, or confessing and excusing others; but for all that he was soon after cast into the castle of Windsor, and all his lands, which were of no small revenue, confiscated.

Neither did the Parliament stop here, but to provide further for the whole state, they did by the unanimous consent of the king, prelates, barons, and commons, constitute and give plenary and absolute power to certain Commissioners as well of the spirituality as of the temporalty for the ordering and disposing of the public affairs, according as to them should seem best and most necessary for the desperate estate of the Commonwealth, to depress civil dissensions, and to pacify and appease the grudgings of the people.

These *(c)* Commissioners were 13 in number, and were as follows; Of the Spritualty; 1, William Courtney archbishop of Canterbury. 2, Alexander Nevil archbishop of York. 3, Thomas Arundel bishop of Ely, lately made Chancellor of England. 4, William Wickham bishop of Winchester. 5, John Gilbert bishop of Hereford, lord treasurer. 6, Thomas Brentingham bishop of Exeter. 7, Nicholas abbot of Waltham, lord keeper of the privy seal. —Of the Laity. 8, Edmond Langley duke of

(b) Walsingham relates, that all these Articles abovementioned were so fully proved, that the earl could not deny them; insomuch that when he stood upon his Defence, he had nothing to say for himself: whereupon the king blushing for him, shook his head and said, 'Alas, alas, Michael, see what thou hast done.'

(c) The Commission, which is among the Parliament Rolls, 10 Rd. 2. part 1. M. 7. mentions but eleven Commissioners, omitting the bishops of Ely and Hereford, and was in substance as follows: "That the king of his own free-will, and at the request of his Lords and Commons had changed the Great Officers of the crown abovementioned, for the good government of the kingdom, the good and due execution of the laws, and in relief of his own state, and ease of his people; and had appointed eleven Commissioners, viz. William archbishop of Canterbury, Alexander archbishop of York, Edmund duke of York, and Thomas duke of Gloucester (the king's uncles,) William bishop of Winchester, Thomas bishop of Exeter, Nicholas abbot of Waltham, Richard earl of Arundel, John lord Cobham, Richard le Scrope and John Devereux, to be his great and continual Council for one year next com-

York. 9, Thomas of Woodstock duke of Gloucester. 10, Richard earl of Arundel. 11, John lord Cobham. 12, Richard lord Scrope. 13, John Devereux, knight.

These, as men eminent in virtue, were chosen by the general suffrage, and confirmed by the king under the great seal; and sworn to carry themselves as dutiful and obedient subjects in all their actions: and it was farther enacted, 'That if any should refuse or disobey the Ordinances so made for the public good, the punishment for the first offence should be the confiscation of all his goods, and for the second the loss of his life.' Thus all things being disposed for the best, the Parliament was dissolved, [20 Nov. 1386] and every man returned to his own home.—Soon after [1387] the said Michael de la Pole, with others of his confederates, being moved with implacable fury against the late Statute, buzzed into the king's ears, that the statutes lately enacted were very prejudicial to the honour of his crown, and derogatory to his princely prerogative; that if they were in force he was no king, but rather resembled the shadow of one; and earnestly moved the king against the other lords, and to disannul all that was done in the late parliament. The king gave credit to these tales, and therefore had the lords in great jealousy; but he released Michael de la Pole earl of Suffolk out of the castle of Windsor, and suffered him to go at large: notwithstanding which the said earl of Suffolk, the duke of Ireland, and Robert Tresilian lord chief justice, doubtful of their own safeguards, did what they could to move the king forward to the destruction of the duke of Glocester, the earls of Arundel, Warwick, Derby, and Nottingham, with others of that party; and accordingly they conspired together with Alexander archbishop of York, and sir Nicholas Brambre, to devise means how they might dispatch the said lords; and for that purpose wrote letters to the king of France to aid and assist them in seizing on the said lords, and further prevailed with the judges to declare the said lords guilty of High-Treason for procuring the said late statutes.—But the said duke of Glocester, and the earls of Arundel and Warwick, seeing the heap of ills that daily did arise by the practices of those conspirators, set almost in every part of the kingdom Intelligencers, who should apprehend all messengers, and intercept all letters, which went under the king's name, and send them to the Commissioners. And thus did they come to have intelligence of the whole Plot of the Conspirators, all their Letters being indorsed, 'Glory be to God on High, on Earth Peace and Good Will towards Men:' and by coming to the knowledge of each circumstance, they found that the kingdom was at the point of destruction, wherefore they sought for a Remedy, for by the law of nature it is lawful to repel violence by violence; every man according to his ability levied a power for the preservation of the king and kingdom; part of which forces being committed to the earl of Arundel, he marched away by night, and pitched his tents near London; and in the mean time he used such discipline in his camp, that he lacked nothing, but all things were sold at reasonable rates as if it had been a market.

On the other side, the Conspirators intending to prevent their purpose, caused it to be proclaimed throughout the city of London, 'That none should upon pain of the forfeiture of all their goods, either sell, give, or communicate any necessaries to the army of the earl of Arundel, but should treat them as Rebels to the king and country.' Further, they counselled the king to absent himself from the Parliament (which was to begin on Candlemas next, according as the king and Commissioners had appointed it) unless the duke of Glocester, the earls of Arundel and Warwick, and the rest of the Commissioners would swear, 'That neither they nor any in their name should accuse them, or urge any Accusation against them.' In the mean time, the three noblemen, viz. the duke of Glocester, and the earls of Arundel and Warwick, having muster'd their troops on the 14th of November in the same year [1388] at Waltham-Cross in the county of Hertford, sent for the Commissioners that were at Westminster in parliament, and sent the archbishop of Canterbury, the lord John Lovel, lord Cobham, and sir John Devereux, with an Accusation in writing against the aforesaid Conspirators, viz. the archbishop of York, the duke of Ireland, the earl of Suffolk, Robert Tresilian and Nicholas Brambre, wherein they accused them of High-Treason; which their Appellation they did offer to maintain, and that they were willing to prosecute the same, and to prove it to be true; they caused also

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ing, after the date of these letters patent: by which he gave them power to survey and examine all his Officers, Courts, Household, and the Government of the whole kingdom, to receive all his Revenue, as also all Subsidies, Taxes, and other Payments; to do what they would in the kingdom, and to amend all things according to their discretions. And these powers were given to any six of them, with his three great officers, willing, that if any difference in opinion should happen between his Councellors and those officers, that the matter should be determined by the major part of them; commanding and charging all prelates, dukes, earls, barons, the steward, treasurer, and comptroller of his household, the justices of one bench or the other, and other his justices whatsoever, barons and chamberlains of the exchequer, sheriffs, escheators, mayors, bailiffs, and all other his officers, ministers, and lieges whatsoever, that they should be attending, obedient, counselling and assisting to the said councellors and officers, so often and in what manner they should direct. Dated at Westminster the 19th day of November." Upon this Commission a Statute was made, and the whole recited in it, which may be seen in the Statute Book, 10 Rich. 2. cap. 1.

the rest of the Commissioners to subscribe as parties to their Appellation. When these things came to the ears of the king, he sent unto them requiring to know what their request was, and what they wished to have done: They returned answer thus, 'That they did desire, that the Traitors which were always about him filling his ears with false reports, and daily committed insufferable crimes and injuries, might be rewarded with condign punishment; for it were better some few should die for the people, than the whole nation should perish.' The king being advised by the archbishop of Canterbury, and bishop of Ely, lord chancellor, sent to them, willing them to come to him to Westminster on the Sunday then next following; which the lords would not agree to, till the lord chancellor, with divers other noblemen of good credit, had undertaken upon their oaths on the king's behalf, that no fraud, deceit, peril or evil pretence should be put in practice against them, whereby they might come to loss of life, limbs, goods, or otherwise, through the king's means.

When therefore the lords were ready according to covenant to come to Westminster, they were secretly advertised that there was an ambush laid in a place called the Mews, and so they staid and came not at the appointed hour: whereupon when the king demanded 'how it fortuned that the lords kept not their promise;' the bishop of Ely made answer, 'because there is an ambush of a thousand armed men or more laid in such a place (and named it) contrary to covenant,' and 'therefore they neither come, nor hold you for faithful to your word.' The king hearing this was astonished, and said with an oath, 'that he knew of no such thing;' and withal sent to the sheriffs of London, commanding them to go to the Mews, and if upon search made they found any force of men there assembled, to take and kill all such as they could lay hands on: but sir Thomas Trivet *(d)* and sir Nicholas Brambre, who had indeed assembled such a number of men, when they understood what order the king had given therein, sent their men back to London.

The Lords after this receiving a Safe-Conduct from the king, and perceiving all to be safe and clear, came to Westminster with a gallant troop of gentlemen; and entering the Hall, as soon as they had sight of the king (who was seated on a throne apparelled in his kingly robes, with his sceptre in his hand) made to him their humble obeisance, and went on till they came to the nether steps going up to the king's seat of state, where they made their second obeisance, and then the king gave them countenance to come nearer to him; and they so did, kneeling down before him: and forthwith he rose from his place, and lovingly welcoming them, took each of them by the hand, and then sat him down again; when the aforesaid lords again appealed *(e)* the archbishop, the duke of Ireland, the earl of Suffolk, Robert Tresilian that false justice, and Nicholas Brambre that disloyal knight *(f)* (for so they termed them) of High-Treason, according as they had done before at Waltham Cross; and to prove their accusations to be true, they threw down their gloves, protesting by their oaths to prosecute it to battle: 'Nay,' saith the king, 'not so, but in the next parliament, which we do appoint beforehand to begin the morrow after the Purification of our Lady, both they and you appearing shall receive according to law all that which reason doth appoint.' And finally, it was concluded they should all meet together at the next parliament, and each one receive according to justice; and in the mean time the king commanded them upon their honours, not any party to molest the other until the next parliament.

In the mean time the earl of Suffolk fled to Calais, and the archbp. of York *(g)* fled along with the bishop of Durham, it was not known whither; and the duke of Ireland going into Cheshire, Lancashire and Wales, raised forces to withstand the Appellants, (to whom were now joined the earls of Derby and Nottingham) with which forces he marched towards London; but meeting with the Appellants forces at Ratcote-bridge near Chipping-Norton in Oxfordshire, he was stopt in his march, and his men revolting from him, was constrained to save himself by flight in swimming cross the river Thames *(h)*.

On the other side, Nicholas Brambre, in the king's name caused all the gates of the city of London to be shut against the Appellants, and to be guarded with a sufficient watch: nevertheless the lords Appellants marched towards London to confer with the king; but when they heard that Nicholas Brambre had caused the gates of the City to be shut against them, they encamped themselves on the 27th of Dec. in Clerkenwell, and sent two knights and two esquires to the mayor and aldermen of London to desire entrance: then came the mayor of London [sir Nicholas Exton] and certain of the chief citizens, and brought the keys of the City with them, and submitted themselves to

(d) He was afterwards killed by a fall from his horse.

(e) All Appeals of Treason in parliament are since taken away by 1 H. 4. c. 14. Bract. 119. a. 3 Co. Instit. 132. See Proceedings against earl of Clarendon, *post*.

(f) He, together with Walworth the mayor, and other aldermen, was knighted for his services against Wat Tyler.

(g) He was afterwards translated by Pope Urban 5, to the see of St. Andrews in Scotland; but the kingdom being under obedience to the Anti-Pope, the translation was of no service to him, so that he was constrained to be a parish priest at Lovain, where he continued three years, till the time of his death.

(h) He afterwards got into Holland, from whence he went to Lovain, where in 1393, he was slain in hunting a wild boar.

the lords, and offered them entrance into their City with all their people at their pleasures.—The next day there happened an Interview between the king and the Appellants so far, that they opened their minds one to another: but because the king was loth to speak to them before such a rabble of men, and on the other side refused to go out of the Tower to speak with them, and the Appellants feared some violence or wrong to be offered them, they would not go into the Tower without a strong guard of valiant warriors; therefore the most wise of the Appellants after divers consultations resolved to go and confer with the king, but first they sent a strong troop well armed to search all the corners and caves of the Tower, and relation being made of the safety of the place, with a selected band of valiant cavaliers, they entered the Tower, and seizing the gates and placing a guard, they appeared before the king, who was set in a pavillion richly arrayed; and after their humble salutations done, they a third time appealed the aforesaid Conspirators in the same sort and form as afore: which Appellation being ended, the king swore that he would do justice so far as the rule of law, reason and equity did require.—These things being accomplished, they departed from the Tower to their own homes; and then it was published in the presence of the king, and throughout his dominions, That on the morrow after Candlemas-day, a parliament *(i)* should be held, and the aforesaid Conspirators should personally appear there to answer the Appellation whereby they were charged with so many Treasons.—In the mean while the king, by consent of the said Commissioners and Appellants, issued out several *(k)* Orders for the apprehending and seizing all suspected folks, and for keeping them in safe custody till the parliament should assemble: accordingly divers Officers of the Household were expelled their office, and together with several others apprehended and committed to prison, viz. sir Simon Burleigh, sir Wm. Elman, sir John Beauchamp, sir Tho. Trivet, sir John Salisbury, and divers others; and there was also taken sir Nicholas Brambre, but he found surety for his forth-coming; but the duke of Ireland, archbishop of York, earl of Suffolk, and Robert Tresilian were no where to be found.—Shortly after, that is to say, the morrow after Candlemas-day, the Parliament began; and the first day, by the joint consent of all the Commissioners, were arrested sitting in their places, all the Justices [sir Roger Fulthorp, sir Robert Belknap, sir John Carey, sir John Holt, sir Wm. Burleigh, and John Locton, the king's Serjeant at Law,] (except sir Wm. Skipworth, who had been hindered by sickness from being along with the other Judges, when the Commissioners were declared guilty of High-Treason, and Tresilian who was fled) who were all immediately displaced from their Offices, and sent prisoners to the Tower, and there kept in separate places.

All the Peers as well of the spirituality as the temporalty being assembled in the great hall at Westminster, [Feb. 3.] the king soon after came and sat down on his throne; and after him the five noblemen Appellants (the fame of whose admired worth echoed through all the land) entered the house in their costly robes, leading one another hand in hand, with an innumerable company following them; and beholding where the king sat, they all at once with submissive gestures reverenced the king. The Hall was so full of spectators, that the very roofs were covered with them; but amongst this infinite multitude there could not be found any of the Conspirators; Brambre, who had attempted to flee away, had been taken a little before, and was cast into Glocester goal.—The Clergy then placing themselves on the right-hand, and the nobility on the left-hand of the king, according to the ancient custom of the high Court of Parliament, the Lord Chancellor standing with his back towards the king, by the king's command declared the cause of their summons to parliament; which was to consider by what means the distraction of the realm, through evil management, might for the future be composed, the king better advised, the nation better governed, misdemeanors more severely punished, and good men more encouraged; how the kingdom also might be best defended, the sea best kept, the marches of Scotland securely guarded, Guyenne preserved, and lastly how the charges of these things may most easily be borne; and then gave notice that whoever would complain in parliament of such things as could not well be redressed by the common law, might carry their Petitions to the Clerk in Chancery, there named and appointed to receive them. Which being ended, the aforesaid five Appellants arising, declared their Appellation by the mouth of Robert Pleasington, their Speaker, who thus spoke: 'Behold the duke of Gloucester comes to purge himself of Treasons which are laid to his charge by the Conspirators.' To whom the Lord Chancellor by the king's commandment answered: 'My lord duke, the king conceiveth so honourably of you, that he cannot be induced to believe that you, who are of affinity to him in a collateral line, should attempt any Treason against his majesty.' The duke, with his four companions upon their knees, humbly gave thanks

(i) See the King's Order to the sheriff of Kent for proclaiming it, and summoning the Conspirators to appear at it, dated 4th Jan. 1388. Rym. Fœd. tom. vii. p. 567. The like order to all the sheriffs throughout England, of the same date. Ibid.

(k) See a Warrant directed to the constable of Gloucester castle, for taking into custody Robert Tresilian and Nicholas Brambre, dated 4th Jan. 1388. Rym. Fœd. tom. vii. p. 566. See likewise another Warrant of the same date, directed to the constable of Dover castle, and warden of the Cinque-ports, for keeping in custody and apart several others accused by the Lords. Ibid.

to the king for his gracious opinion of their fidelity.—The lords spiritual and temporal there present then claimed as their liberty and franchise, that all great matters moved in that parliament, and to be moved in other parliaments in time to come touching the peers of the land, should be discussed and judged by the course of parliament, and not by the law civil, or by the common law of the land used in the inferior courts of the kingdom; which claim, liberty and franchise, the king allowed and granted in full parliament.

Then after silence proclaimed the Appellants arose, and accused the aforesaid Conspirators of High-Treason, and delivered in certain Articles in writing, wherein were contained the particularities of their Treasons; which were as follow:

1. "That as false traitors and enemies to the king and kingdom, taking advantage of his tender age, and the innocency of his person, they informed and put upon him for truth divers false things of their own invention, against all loyalty and good faith, and made him intirely their own; so that they had his love, firm faith and credit, while he hated and suspected his loyal lords and lieges, by whom he ought to have been governed: That these false Traitors had encroached to themselves royal power, by enslaving the king, blemishing his sovereignty, and lessening his prerogative and royalty; and made him so obedient to their will, that he was sworn to be governed, counselled and conducted by them: by virtue of which oath they kept him in obedience to their false imaginations and mischievous deeds contained in the following articles.

2. "Also whereas the king is not bound to take any oath, but on the day of his coronation, or for the common profit of himself and kingdom, the aforesaid Alexander, Robert, and Michael, as false Traitors and enemies to the king and realm, made him to swear, and assure them, that he would maintain, support, and live and die with them; and also whereas the king ought to be of more free condition than any other of his kingdom, they have put him more in servitude than any one, against his honour, estate and royalty, against their ligeance, as traitors to him.

3. "Also the said Robert, Michael, and Alexander, by the assent and counsel of Robert Tresilian that false justice, and Nicholas Brambre that false knight of London, by their wicked contrivance would not permit the great men of the kingdom, nor good counsellors, to come near the king, nor would suffer him to speak to them unless in their presence and hearing, encroaching to themselves royal power, lordship and sovereignty over the person of the king, to the great dishonour and peril of the king, the crown and his realm.

4. "Also the aforesaid Alexander, Robert de Vere, Michael de la Pole, Robert Tresilian, and Nicholas de Brambre, by their false wickedness evilly advised the king, so that his personal presence which he ought to make to the great lords, and his liege people, and the favours and rights to which they requested his answer, were not to be obtained but at their pleasure and allowance, in staying the king from his duty, and against his oath, and turning the hearts of the great lords from him, with design to estrange his heart from the peers of the land, to have amongst them the sole government of the kingdom.

5. "Also by the said Encroachment of Robert de Vere, duke of Ireland, and Michael de la Pole, with the Advice and Counsel of Alexander archbishop of York, they caused the king without assent of the kingdom, by their abetments, without any deserts of the persons, to give divers lordships, castles, towns and manors as well annexed to his crown as others, as the whole realm of Ireland, the town of Okeham, and the forest thereof, and the lands which were the lord Audley's and other great estates, to the said Robert de Vere, and others, whereby they were mightily enriched, and the king became so poor, that he had not wherewith to support and bear the charges of the kingdom, unless by imposition, taxes, and tributes put upon his people, in disherison of his crown, and to the undoing of the realm.

6. "Also by the Encroachment of the said Alexander, Robert, and Michael, by the assent and advice of the aforesaid Robert Tresilian and Nicholas Brambre, they caused the king to give divers lands, manors, tenements, rents, offices and bailiwicks to people of their kindred and other persons of whom they received great bribes; and also to make them of their party in their false quarrels and purposes, as in the case of sir Robert Mansel, clerk, John Blake, Thomas Usk, and others, to the destruction of the king and kingdom.

7. "Also Robert de Vere, Michael de la Pole, Alexander archbishop of York, with the rest of the persons above-named, by assent and counsel of the said Nicholas Brambre, &c. encroaching to themselves royal power, caused the king to give very great sums of gold and silver as well of his own goods and jewels as the treasure of the kingdom, besides Tenths, Fifteenths, and other Taxes granted by divers parliaments to be expended in defence and safeguard of the kingdom, and otherwise, which amounted to the sum of one hundred thousand marks and more, to the said Robert, and others. And further they caused many good ordinances and purposes made and ordained in parliament, as well for the wars as defence of the kingdom, to be interrupted, to the great injury of the king and kingdom.

8. "Also by the said Encroachment and great Bribes taken by the said Robert, Michael, and Alexander, divers not sufficient nor fit had the guard and government of divers lordships, castles and countries, as in Guyenne and elsewhere, as well on this side as beyond the sea; whereby the people and countries of those territories being loyal to the king, for the most part were destroyed, and great dominions of late rendered into the hands and possession of

the enemy, without assent of the realm, which were never in the hands of the enemy since the conquest of them; as also in the marches of Scotland, and otherwhere, in disherison of the crown, and great injury to the realm; as in the case of Harpeden, Craddock, and others.

9. "Also by the Encroachment of the aforesaid Alexander, Robert, Michael, Robert and Nicholas, divers people have been hindered of the benefit of the common law of England, and put to great delays, losses and costs; while statutes and judgments justly made upon necessary causes in parliament have been reversed and annulled by the procurement of the said misdoers, and traitors, and this by reason of the large bribes by them extorted, to the great prejudice of the kingdom.

10. "Also the five aforesaid, encroaching to themselves royal power, as false traitors to the king and kingdom, caused and councelled the king to grant Charters of pardon for horrible felonies and treasons, as well against the state of the king, as of the party, against the law and oath of the king.

11. "Also, Whereas the great lordship and land of Ireland hath been beyond memory parcel of the crown of England, and the people thereof for all that time have been the king's leiges without any mesne lord, to him and his royal progenitors, and our lord and his noble progenitors kings of England have in all their charters, writs, letters and patents, and also under their seals, in augmentation of their names and royalty, styled themselves lords of Ireland: the aforesaid Robert, duke of Ireland, Alexander, and Michael, &c. as false traitors to the king by the said encroachment, gave advice that the king, as much as was in him, had granted that Robert de Vere should be king of Ireland: and to accomplish this wicked purpose, the aforesaid traitors counselled and excited the king to send letters to the pope to ratify and confirm their traitorous intention, without the knowledge and assent of the kingdom of England, or land of Ireland, in parting the king's liegance in respect to both nations, in decrease of the honourable name of the King, and in open disherison of his crown of England, and full destruction of his loyal leiges and the nation of Ireland.

12. "Also, Whereas the Great Charter and other good laws and usages of the kingdom, no man ought to be taken, put in prison, or to death without due process of law, the aforesaid Nich. Brambre, false knight of London, took by night certain persons out of the prison of Newgate, chaplains, and others, to the number of 22; some debtors and others accused of felony, and some approvers in the case of felony, and some taken and imprisoned there upon suspicion of felony; and led them into Kent to a place called the Foul Oak, and there encroaching to himself royal power as a traitor to the king, and without warrant or process of law, caused all their heads to be cut off but one, who was appealed of felony by an approver, and him he suffered to go at large at the same time.

13. "Also, The aforesaid Alexander, Robert, Michael, Nicholas, &c. traitors of the king and kingdom, took great bribes in many cases in the name of the king for maintainance of quarrels, of suits; and once took bribes of both sides or parties.

14. "Also, These five caused some lords and others, loyal lieges, to be put out of the king's council; so as they dared not to speak in parliament about the good government of the king's person or kingdom.

15. "Also, Whereas in the last parliament all the lords, sages and commons there assembled, seeing the imminent ruin of the king and kingdom by the perils and mischiefs aforesaid, and for that the king had forsaken the council of the kingdom, and holden himself altogether to the council of the said five evil doers and traitors; and also for that the king of France, with his royal power, was then shipped ready to have landed in England, to have destroyed the kingdom and language thereof, and there was no Ordinance then made, or care taken for the safety of the king and kingdom; they knew no other remedy than to shew the king fully how he was ill-governed, led and counselled by the traitors and ill doers aforesaid; requiring him most humbly, as his loyal lieges, for the safety of him and his whole realm, and for avoiding the perils aforesaid; to remove from his presence the said evil-doers and traitors, and not to do any thing after their advice, but according to the counsel of the loyal and discreet sages of the realm: and hereupon the said traitors and evil-doers, seeing the good and honourable opinion of the parliament, to undo this good purpose by their false counsel, caused the king to command the mayor of London to kill and put to death all the said lords and commons, except such as were of their party; to the doing whereof, these great traitors and evil-doers should have been parties, and present, to the undoing of the king and the kingdom.

16. "Also, That those five Traitors abovementioned, when the mayor and good people of London utterly refused in the presence of the king to murder the lords and commons; they by their said traiterous accroachment falsely counselled the king, and prevailed with him to leave the parliament for many days, and caused him to certify that he would not come to the parliament, nor treat with the lords and commons concerning the business of the kingdom, for any peril, ruin or mischief whatsoever that might happen any ways to him, or the realm, if he were not first assured by the lords and commons, that they would not speak nor do in that parliament any thing against any of the misdoers, saving that they might proceed on in the process, which was then commenced against Michael de la Pole, to the great ruin of the king and kingdom, and against the ancient Ordinances and Liberties of parliaments.

17. "Also, The said lords and commons, after they understood that the king's mind (through the wicked excitation and counsel of

the said five, &c. above-mentioned) was such, that he would not suffer any thing to be commenced, pursued or done against the said evil-doers, so that they durst not speak or proceed against the king's will; upon consideration of the former counsel and advice of the lords and justices, with other sages and commons of parliament, how the estate of the king and his royalty might be best saved against the perils and mischiefs aforesaid, knew not how to find out any other remedy than to ordain, That twelve *(l)* loyal lords of the land should be the king's council for one year, and that there should be made such a commission and statute, by which they should have full and sufficient power to ordain, &c. according to the effect of the said commission and statute; by both which no man was to advise the king against them, under forfeiture, for the first offence, of his goods and chattels: and for the second offence, of life and member: which Ordinance, Statute, and Commission being made by the assent of the king, the lords, judges, and other sages and commons, assembled in the said parliament, to preserve to the king his royalty and realm, the said traitors and misdoers, by their evil, false, and traitorous informations, insinuated to the king, that the said Ordinance, Statute and Commission were made to defeat his royalty; and that all those who procured and counselled the making of them, and those who excited the king to consent to them, were worthy to be put to death, as traitors to the king.

18. "Also, after this, the aforesaid five misdoers and traitors caused the king to assemble a council of certain lords justices and others, many times without the assent and presence of the lords of the said great council; and made divers demands of them very suspicious, concerning divers matters, by which the king, lords and common people were in great trouble with the whole realm.

19. "Also, to accomplish the said high-treason, the said misdoers and traitors, Alexander, Robert, Michael, &c. by the assent and counsel of Robert Tresilian and Nicholas Brambre, caused the king to ride through the kingdom with some of them into Wales, and caused him to make come before him the lords, knights, and esquires, and other good people of those parts, as well of cities and burghs, as other places; and made some to enter into bond; and obliged others by their oaths to stand by him, against all people, and to effect his purpose, which at that time was the will and purpose of the said misdoers and traitors, by their false imaginations, deceits and accroachments above said; which securities and oaths were against the good laws and usages of the land, and against the oath of the king, to the great ruin and dishonour of the king and kingdom.

20. "Also, by force of such bonds and oaths, all the realm was put into great trouble by the said evil-doers and traitors; and in peril, to have suffered many intolerable mischiefs.

21. "Also, to bring about their traiterous purposes, the said five caused the king to go into several other parts of the kingdom for some time; whereby the lords assigned by the said Ordinances, Statute and Commission could not advise with him about the business of the kingdom; so as the purport and effect of the Ordinances, Statute and Commission were defeated, to the great ruin of the king and kingdom.

22. "Also, the said Robert de Vere, duke of Ireland, by the counsel and abetment of the other four traitors, accroaching to himself royal power, without the king's commission, or other sufficient or usual warrant, made himself chief justice of Chester, and by himself and deputies held all manner of pleas, as well common as of the crown, and gave judgments upon them, and made execution thereof; and also caused many original and judicial writs to be sealed with the great seal used in those parts; and also by such accroachment of royal power, he caused to rise with him great part of the people of that country; some by threats, others by imprisonments of their bodies; some by seizing of their lands, others by many dishonest ways, by colour of the said office; and all this to make war upon and destroy the loyal lords and others the king's liege subjects, to the undoing of the king and the whole realm.

23. "Also, the said traitors, Robert de Vere, Alexander, Michael, &c. by the counsel and abetment of Robert Tresilian and Nicholas Brambre, accroaching to themselves royal power, caused to be delivered John de Blois, heir of Bretagne, who was prisoner, and security to the king and kingdom, without assent of parliament, or the king's great council, and without any due warrant, to the great strengthening the adversary of France, the ruin of the king and realm, and against the statutes and ordinances aforesaid made in the last parliament.

24. "Also, the said five traitors caused the king to have a great retinue of late of divers people, to whom he gave badges, which was not done in antient time, by any king his progenitor, that they might have power to perform their false treasons aforesaid.

25. "Also, the aforesaid five Misdoers and Traitors, in full accomplishment of all their treasons aforesaid, and to make the king give credit to them and their counsel, and hold them more loyal and greater sages than others of the kingdom; and the more to colour their false treasons, caused the king to make come before him to the castle of Nottingham, divers justices and lawyers on the morrow after St. Bartholomew's-Day last past, and there *(m)*

(l) There were thirteen Commissioners, but only twelve of them were peers.

(m) Divers of the Justices refused to subscribe, but yet they were obliged to do as the rest did; among whom was Robert Belknap, who utterly refused, till the duke of Ireland and the earl of Suffolk compelled him thereto; for if he had persisted in his refusal he had not escaped their hands; and yet when he had set

constrained the said justices to set their hands to the Answers to certain Questions then propounded and delivered to them, that by means thereof those persons who were about the king might have colour to put to death the duke of Gloucester and other lords, who in the last parliament were ordered to have the governance of the realm.—Which Questions and Answers were as follow: 1. It was asked of them, whether the new Statute, Ordinance, and Commission, made in the last parliament held at Westminster, be hurtful to the king's prerogative? Whereunto all of one mind answered, That they were hurtful, and especially because they be against the king's will.—2. It was inquired of them how they ought to be punished that procured the said Statute, Ordinance and Commission to be made? Whereunto with one assent they answered, That they deserved death, except the king of his grace would pardon them.—3. It was inquired how they ought to be punished which moved the king to consent to the making of the said Statute, Ordinance and Commission? Whereunto they answered, That unless the king would give them his pardon they ought to lose their lives.—4. It was inquired of them what Punishment they deserved that compelled the king to making of that Statute, Ordinance and Commission? Whereunto they gave Answer, That they ought to suffer as Traitors.—5. It was demanded of them how they ought to be punished that interrupted the king, so that he might not exercise those things that appertained to his regality and prerogative? Whereunto answer was made, that they ought to be punished as Traitors.—6. It was enquired of them, whether, that after the Affairs of the realm, and the cause of the calling together of the States of the Parliament, were once by the king's commandment declared and opened, and other Articles on the king's behalf limited, upon which the lords and commons of the realm ought to treat and proceed if the lords nevertheless would proceed upon other Articles, and not meddle with those Articles which the king had limited, till the time the king had answered the Articles proposed by them, notwithstanding the king injoined them to the contrary: whether in this case the king might rule the parliament, and cause them to proceed upon the Articles by him limited before they proceeded any further? To which Question it was answered, That the king should have in this part the rule for order of all such Articles to be prosecuted until the end of the parliament; and if any presumed to go contrary to this rule, he was to be punished as a traitor.—7. It was asked, whether the king, whensoever it pleased him, might not dissolve the parliament, and command the lords and commons to depart from thence, or not? Whereunto it was answered, that he might.—8. It was inquired, that for so much as it was in the king to remove such Justices and Officers as offended, and to punish them for their offences, whether the lords and commons might without the king's will impeach the same Officers and Justices upon their Offences in Parliament, or not? To this answer was made, That they might not; and he that attempted contrary was to suffer as a Traitor.—9. It was inquired how he is to be punished that moved in the parliament, that the Statute wherein Edward, the son of king Edward, great grandfather to the king that now is, was indicted in parliament, might be sent for; by inspection of which Statute, the said new Statute, or Ordinance and Commission, were conceived and devised in the parliament? To which Question, with one accord, as in all the residue, they answered, that as well he that so summoned, as the other, which by force of the said motion brought the said Statute into the Parliament House, be as public Offenders and Traitors to be punished.—10. It was inquired of them, whether the Judgment given in the parliament against Michael de la Pole, earl of Suffolk, were erroneous, and revocable or not? To which Question likewise with one assent they said, that if the same Judgment were now to be given, the Justices and Serjeants aforesaid would not give the same, because it seemeth to them that the said Judgment is erroneous and revocable in every part.—In witness of the premises, the Justices and Serjeants aforesaid to these presents have set their seals; there being Witnessess, Alexander archbishop of York, Robert archbishop of Dublin, John bishop of Durham, Thomas bishop of Chester, John bishop of Bangor, Robert duke of Ireland, Michael earl of Suffolk, John Rippon clerk and John Blake.

26. "These five Evil-doers and Traitors are also further accused, that they drew away the heart and goodwill of the king from the said lords and others, who had agreed to make the said Commission and Ordinances in the last parliament, and he thereupon accounted them Enemies and Traitors: and being sure the said Justices favoured their designs, contrived that those lords and others should be arrested, indicted, and attainted by false Inquests of Treason, and put to death, and they and their issue disherited; and these false arrests, indictments, and attainders, were to be made in London or Middlesex; and for that purpose they had procured a false and wicked person called Thomas Husk, to be under-sheriff of Middlesex: who by their assent, procurement and command, undertook the said false Indictments and Attainders should be made and accomplished: and for the more complete effecting of their Treason, they caused the king to send his Letters of Credence by one John Rip-

to his seal, he burst out into these words: 'Now here lacketh nothing but a rope, that I 'may receive a reward worthy my desert; and I 'know if I had not done this I should not have 'escaped your hands; so that for your pleasures 'and the king's I have done it, and thereby 'deserve death at the hands of the lords.' Holin. vol. iii. p. 456.

pon, a false clerk, and one of their crew, to the mayor of London to arrest the duke of Glocester, and others therein named; and by force of those Letters one John Blake carried to the mayor a Bill of Information against them, by which they were to be indicted and attainted. The effect of which bill was 'That it seemed for the better that certain of 'the lords, knights, and commons of the last 'parliament which were notoriously impeach-'able, should be privately indicted in London 'and Middlesex of Conspiracy and Confede-'racy, for that they at a certain day mentioned, 'falsely and traiterously had conspired and 'confederated between themselves to make in 'the same parliament a Statute and Commis-'sion against the royalty of our lord the king, 'and in derogation of his crown, and procured 'the same Statute there afterwards at a cer-'tain day to be passed; and also had pro-'cured, nay constrained our lord the king to 'assent against his will to have it made; and 'they traiterously against their allegiance 'hindered the king from using his royalty, to 'the great disherison of him, and derogation 'to his crown, against their allegiance, swearing 'to maintain each other in this matter."—And further, The said Evil-doers and Traitors set a watch to give notice of the duke of Lancaster's landing in England, that he might be arrested upon his arrival.

27. "Also the above-named five Evil-doers and Traitors, after having informed the king that he should believe that the said Statute, Ordinance and Commission were made in derogation of his royalty and prerogative, they strongly possessed him that all those who made or caused to be made the said Statute, Ordinance and Commission, had thereby a purpose to degrade, and finally to oppose him, and that they would not give over that purpose until they had perfected it; for which cause the king held them as Enemies and Traitors.

28. "Also, after this false and traiterous Information, when the five aforesaid had procured the king to hold the loyal lords as Enemies and Traitors; the said Misdoers and Traitors advised him by every way possible, as well by the power of his own people, as by the power of his enemies of France and others, to destroy and put to death the said lords, and all others who assented to the making of the said Statute, Ordinance and Commission; and that it might be done so privately, as none might know of it till it was done.

29. "Also, to accomplish the High-Treason aforesaid, Alexander, &c. Robert de Vere, &c. and Michael, &c. by their advice, caused the king to send his Letters of Credence to the adversary the king of France; some by one Nicholas Southwell, a groom of the chamber, and others by other persons of small account, as well strangers as English, requesting and praying the king of France that he would with all his power and advice be aiding and assisting him to destroy and put to death the said lords and other English which the king held to be his Enemies and Traitors as above, to the great disturbance and dissatisfaction of the whole realm.

30. "Also the three last named persons encroaching to themselves royal power, caused the king to promise the king of France, by his Letters Patent and Messages, that for such his aid and power to accomplish the same, he would grant and surrender unto him the town and castle of Calais, and all other castles and fortresses in the marches and confines of Picardy and Artois, with the castles and towns of Cherburg and Brest; to the great dishonour, trouble, and ruin of the king and kingdom.

31. "Also, after the last named three were sure of having aid and assistance from the king of France, by instigation and contrivance of the said Traitors, a conference was to have been in the marches of Calais about a truce for five years between the two nations; at which conference both kings were to be present, as likewise the English lords whom the king then held to be his Traitors; and there Thomas duke of Glocester, constable of England, Richard earl of Arundel and Surrey, and Thomas earl of Warwick, and divers others, were to have been put to death by treachery.

32. "Also for performance of this High-Treason, the last named three caused the king to send for Safe-Conducts to the king of France; some for himself and for the duke of Ireland, and others for John Salisbury and John Lancaster, knights, with other people with them, who were to go into France, to put in execution this wicked purpose and treason, which Safe-Conducts were ready to be produced.

33. "Also the aforesaid Nicholas Brambre false knight of London, by the assent and advice of the said Alexander, &c. Robert de Vere, &c. Michael, &c. and Robert Tresilian false Justice, encroaching to themselves royal power (as before) some of them went personally into London, and without the assent and knowledge of the king, there openly in his name made all the crafts or trades of that city to be sworn, to hold and perform divers matters not lawful, as is contained in the said Oath upon record in Chancery: and amongst other things, that they should keep and maintain the king's will and purpose to their power, against all such as were, or should be rebels against the king's person or his royalty, and that they should be ready to live and die with him in destruction of all such who did or should design Treason against the king in any manner; and that they should be ready and come speedily to their mayor for the time being, or that afterwards should be, when and at what hour they should be required, to resist, so long as they lived, all such as did or should design any thing against the king in any of the points abovesaid: at which time the king, by evil Information of the said Misdoers and Traitors, and by the false Answers of the Justices, firmly held the said lords and others who con-

trived the said Statute, Ordinance and Commission, to be rebels, enemies, and traitors, which false Information was then unknown to the people of London; and also by obscure words contained in the said Oath, the intent of the Misdoers and Traitors being to engage the people of London to raise their power to destroy the said loyal lords and others.

34. "Also the said Nicholas, Alexander, Robert de Vere, and Michael, as Traitors to the king and kingdom, encroaching to themselves royal power, did of their own authority, without warrant from the king, or his great council, cause to be proclaimed through the city of London, that none of the king's lieges should aid or comfort Richard earl of Arundel and Surrey, a peer of the land, and one of the lords of the king's great council during the Commission; nor should sell him armour, victuals, or other things necessary, but should avoid all of his party as rebels, upon pain of being proceeded against as rebels, and on forfeiture of all they were worth; shewing letters patent from the king for making such Proclamation, being to the destruction of the king's liege subjects.

35. "Also the said Nicholas Brambre, by assent and council of the said Alexander, Robert de Vere, and Michael, caused it to be proclaimed in the city of London, That no person should be so hardy as to presume to speak any ill of the said Misdoers and Traitors, upon pain of forfeiting to the king whatever they were worth.

36. "Also the said five Traitors to the king and kingdom caused the king to make certain persons to be sheriffs through the kingdom, named and recommended to him by the said Evil-doers and Traitors, to the intent that they might get such persons as they should name returned for knights of the shire to serve in parliament; to the undoing of the loyal lords and commons, and also the good laws and customs of the kingdom.

37. "Also the said five Misdoers and Traitors, during the time of protection, to hinder the Appeal against them, falsely counselled and prevailed with the king to command by his letters divers knights and esquires, sheriffs, and other ministers of several counties, to levy and assemble all the power they could to join with the duke of Ireland against the Lord Appellants, to make sudden war upon and destroy them.

38. "Also during the time of the said protection of the said Robert de Vere, Michael, &c. Alexander, Nicholas, &c. they caused the king by his letters, to signify to the duke of Ireland, that they were all appealed of Treason by Thomas duke of Gloucester, constable of England, Richard earl of Arundel and Surrey, and Thomas earl of Warwick, and how he had given them day until the next parliament, and how he had taken into his special protection both parties, with all their goods and chattels: And it was further contained in the king's letters, That if the duke of Ireland should have sufficient power, he should not cease to march on with all his force to come to him. And soon after they caused the king to write to the said duke that he should take the field with all the force he could get together; and that he would meet him with all his troops, and that he would adventure his royal person with him, and that he was in great danger, as also the whole nation, if he was not relieved by him: and this the duke ought to declare to all the people with him, and that the king would pay the wages and costs of the said duke, and all the people assembled with him. By virtue of which Letters, and the wicked and traitorous instigations, as well of the duke and his adherents, as of all the other Misdoers and Traitors, he raised a great number of men at arms, and archers, as well in the counties of Lancaster and Chester, as in Wales and other places of the kingdom, to destroy and put to death the said loyal lords, and all others who had assented to the making of the said Statute, Ordinance and Commission, in defence of the king and his kingdom.

39. "Also the said Robert de Vere, duke of Ireland, as a false traitor to the king and kingdom, assembled a great power of men at arms and archers in Lancashire, Cheshire, Wales, and many other places, to the intent to have traitorously destroyed with all his power the said lords, Thomas duke of Gloucester, constable of England, Henry earl of Derby, Richard earl of Arundel and Surrey, Thomas earl of Warwick, and Thomas earl marshall, with divers others the king's lieges, to the undoing and ruin of the king and the whole kingdom; and so rode and marched with a great force of men at arms, and archers, from the county of Chester to Ratcot Bridge, accroaching to himself royal power, and displaying the king's banner in his army, against the state of the king and his crown."

This Impeachment was exhibited on Monday the 3rd of February, being the first day of the parliament; when the Lords Appellants also affirmed they were ready to prove every Article of it as should be awarded in parliament, to the honour of God, and the advantage and profit of the king and the whole realm.—Whereupon all the persons appealed, were by command of the king and lords solemnly summoned in the great Hall at Westminster, as also at the Gate of the said Palace, to come and answer the said Appellants; but upon their non-appearance, the said duke and Lords Appellants prayed, That their default might be recorded. Then upon the said Appellants alledging, that the accused had full notice of the said Appeal, and the king and lords being satisfied it was so, by reason they did not appear, their default was recorded accordingly: Whereupon the said duke and earls Appellants prayed the king and lords, that they might be adjudged and convicted of the Treasons contained in the said Appeal. Then the king and lords took time to consider and examine the Articles, after which they would give such Judgment in this case, as should be to the honour of God,

the advantage and profit of the king and the whole kingdom. Then the king commanded the said lords to examine the Articles severally, which they did with great labour and diligence, until Thursday the 13th of February.

During this interval, the Justices, Serjeants, and other sages of the law, both of the realm and law civil, were charged by the king to give their faithful Advice to the lords of parliament how they ought to proceed in the aboveaid Appeal. Then the said Justices, Serjeants, and sages of both laws having taken these matters into their deliberation, answered the said lords of parliament, that they had seen and well understood the tenor of the said Appeal, and affirmed that it was not made nor brought according as the one law or other required. Upon which the said lords of parliament, having taken deliberation and advice, it was by the assent of the king with their common accord declared, That in so high a crime as is laid in this Appeal, and which touches the person of the king and the estates of this realm, and is perpetrated by persons who are peers thereof, together with others, the cause cannot be tried elsewhere but in parliament, nor by any other law or court, except that of parliament; and that it belongs to the lords of parliament, and to their free choice and liberty, by antient custom of parliament, to be judges in such cases, and to judge of them by the assent of the king; and thus it shall be done in this case by award of parliament, because the realm of England is not, nor ever was (neither is it the intent of the king and lords of parliament that it shall ever be) ruled and governed by the civil law; and therefore it is not their intent otherwise to proceed in so high a case as this Appeal, which cannot be tried or determined any where else than in parliament, since the process or order used in inferior courts is only as they are intrusted with the execution of the ancient laws and customs of the realm, and the Ordinances and establishments of parliament: and it was the Judgment of the lords of parliament, by assent of the king, that this Appeal was well and duly brought, and the process upon the same was good and effectual, according to the laws and course of parliament, and by which they will award and judge it. Upon this the Appellants again moved the king and lords to record their Default; and that Nicholas Brambre (who was the only person in custody) might be brought to answer.

Then the other persons appealed were again summoned to come in and make Answer, but they did not appear; nevertheless the king and lords took time to deliberate till the next day, being the 5th of February; at which time the said Appellants again prayed that the Default of the appealed might be recorded, which was done accordingly. After which the lord chancellor, [The bishop of Ely; Tyrrel says, the archbishop of Canterbury], in the name of the clergy, in open parliament, made an oration, shewing, 'That they could not by any means be present at proceedings where any censure of death is to be passed;' for the confirmation whereof the Clergy delivered in a Protestation, which being read, they declared, 'That neither 'in respect of any favour, nor for fear of any 'man's hate, nor in hope of any reward, they 'did desire to absent themselves; but only that 'they were bound by the Canon not to be 'present at any man's arraignment or con-'demnation.'—They likewise sent their Protestation to the Chapel of the Abbey where the commons sate, which was allowed of.

And then, on the 13th of February, the king and lords of parliament being met again in the Whitehall, the said Appellants prayed that the last Default of the said archbishop, duke, and earl, and Robert Tresilian, should be recorded. Then the persons accused being again summoned (the third time) and not appearing, the lords proceeded to judgment, and declared, that divers of the Articles therein contained were Treason; as the 1st, 2nd, 11th, 12th, 15th and 17th; as also the 18th, 29th, 30th, 31st, 32nd, 37th, 38th, and 39th Articles; and then upon due information of their consciences, they pronounced the said archbishop, duke, and earl, with Robert Tresilian, to be notoriously guilty of each of the said Articles that concerned them, and that they were also culpable of all the rest of the Articles contained in the said Appeal, not yet declared treason.

Then in presence of the king, and lords, assembled at the day and place aforesaid, the said duke and earls Appellants prayed the king, and the lords there present, that the persons so appealed as aforesaid should be adjudged convicted of the High-Treasons contained in the said Appeals. Wherefore the said lords of parliament there present, as judges in parliament in this case, by assent of the king pronounced their Sentence; and did adjudge the said archbishop, duke, and earl, with Robert Tresilian, so appealed as aforesaid, to be Guilty and convicted of Treason, and to be 'drawn and hanged as Traitors and Enemies to the king and kingdom; and that their heirs should be disinherited for ever, and their lands and tenements, goods and chattels forfeited to the king, and that the temporalities of the archbishop of York should be taken into the king's hands.'

On this day [Feb. 17], sir Nicholas Brambre was brought by the constable of the Tower into parliament; and being charged with the aforesaid Articles of Treason, he desired longer time, that he might advise with counsel learned in the law, and might make a more full Answer to his Accusation; but he was refused, in that he required a thing not usual, nor allowable by law in a case of this nature, whereupon the Judges required him then to answer severally and distinctly to every point in the Articles of Treason contained. Whereunto Brambre answered, 'Whosoever hath 'branded me with this ignominious mark, with 'him I am ready to fight in the lists to main-'tain my innocency, whenever the king shall 'appoint.' And this he spake with such a

fury, that his eyes sparkled with rage, and he breathed as if an Ætna lay hid in his breast, chusing rather to die gloriously in the field, than disgracefully on a gibbet.

The Appellants hearing this courageous challenge, with resolute countenance answered, That they would readily accept of the combat, and thereupon flung down their gages before the king; and on a sudden the whole company of lords, knights, esquires, and commons flung down their gages so thick, that they seemed like snow in a winter's day, crying, out, 'We 'also will accept of the combat, and will prove 'these Articles to be true to thy head, most 'damnable Traitor.' But the lords resolved that Battle *(n)* did not lie in that case, and that they would examine the Articles touching the said Nicholas, and take due Information by all true, necessary, and convenient ways, that their consciences might be truly directed what Judgment to give in this case, to the honour of God, the advantage and profit of the king and his kingdom, and as they would answer it before God, according to the course and law of parliament.

This day, [Feb. 19,] to aggravate the Appellation against the Conspirators, there came divers Companies of the City of London, complaining of the manifold injuries they had suffered from Brambre, and other Extortions and Exactions wherewith they had been daily charged; and yet they protested, that they did not accuse him either for hate to his person, or for love, fear, or hope of reward from his enemies, but they charged him only with the truth.—Before they could proceed with his Trial, they were interrupted by unfortunate Tresilian, who being got upon the top of an apothecary's house adjoining to the Palace, and descended into a gutter to look about him and observe who went into the Palace, was discovered by certain of the peers, who presently sent some of the Guard to apprehend him: who entering into the house where he was, and having spent long time in vain in looking for him, at length one of the guard stept to the master of the house, and taking him by the shoulder with his dagger drawn, said thus, 'Shew us where thou hast hid Tresilian, or else resolve thy days are accomplished.' The master trembling and ready to yield up the ghost for fear, answered, 'Yonder is the place where he lies;' and showed him a round table covered with branches of bays, under which Tresilian lay close covered. When they had found him they drew him out by the heels, wondering to see him wear his hair and beard overgrown, with old clouted shoes and patched hose, more like a miserable poor beggar than a judge.—When this came to the ears of the peers, the five Appellants suddenly rose up, and going to the gate of the Hall, they met the guard leading Tresilian bound, crying as they came, 'We have him, we have him.'*(o)*— Tresilian being come into the Hall,

(n) In appeals of Treason, battle does not lie, if it can be proved by witnesses. See Proceedings against the earl of Clarendon, A. D. 1667.

(o) Froisart's Chron. part 2. fol. 110, relates the manner of his discovery thus: "Understanding that the king's uncles and the new Council at England would keep a secret Parliament at Westminster, he (Tresilian) thought to go and lie there to learn what should be done; and so he came and lodged at Westminster the same day their Council began, and lodg'd at an ale-house right over-against the Palace Gate, and there he was in a chamber looking out of a window down into the court, and there he might see them that went in and out to the Council, but none knew him because of his apparel. At last on a day, a squire of the duke of Gloucester's knew him, for he had oftentimes been in his company: and as soon as sir Robert Tresilian saw him he knew him well, and withdrew himself out of the window. The squire had suspicion thereof, and said to himself, 'methinks I see yonder sir Robert Tresilian;' and to the intent to know the truth, he entered into the lodging, and said to the wife, 'Dame, who is that, that is above in the chamber? is he alone or with company?' 'Sir,' quoth she, 'I cannot shew you, but he has been here a long space?' Therewith the squire went up the better to advise him, and saluted him, and saw well it was true; but he feigned himself, and turned his tale, and said, 'God save you, good man, I pray you be not discontented, for I took you for a farmer of mine in Essex, for you are like him.' 'Sir,' quoth he, 'I am of Kent, and a farmer of sir John of Hollands, and there be men of the bishop of Canterbury's that would do me wrong; and I am come hither to complain to the Council.' 'Well,' quoth the squire, 'if you come into the palace I will help to make your way, that you shall speak with the lords of the Council.' 'Sir, I thank you,' quoth he, 'and I shall not refuse your aid.' Then the squire called for a pot of ale, and drank with him, and paid for it, and bad him farewel, and departed; and never ceased till he came to the Council Chamber door, and called the usher to open the door. Then the usher demanded what he would, because the lords were in Council: he answered and said, 'I would speak with my lord and master the duke of Glocester, for a matter that right near toucheth him and all the Council.' Then the usher let him in, and when he came before his master, he said, 'Sir, I have brought you great tidings,' 'What be they?' quoth the duke. 'Sir,' quoth the squire, 'I will speak aloud, for it toucheth you and all my lords here present. I have seen sir Robert Tresilian disguised in a villain's habit, in an alehouse here without the gate.' 'Tresilian!' quoth the duke. 'Yea, truly, sir,' quoth the squire, 'you shall have him ere you go to dinner, if you please.' 'I am content,' quoth the duke, 'and he shall show us some news of his master the duke of Ireland; go thy way and fetch him, but look

was asked what he could say for himself, why execution should not be done according to the Judgment passed upon him for his Treasons so often committed; but he became as one struck dumb, he had nothing to say, and his heart was hardened to the very last, so that he would not confess himself guilty of any thing. Whereupon he was without delay led to the Tower, that he might suffer the Sentence passed against him: his wife and his children did with many tears accompany him to the Tower; but his wife was so overcome with grief, that she fell down in a swoon as if she had been dead.—Immediately Tresilian is put upon an hurdle, and drawn through the streets of the city, with a wonderful concourse of people following him. At every furlong's end he was suffered to stop, that he might rest himself, and to see if he would confess or acknowledge any thing; but what he said to the frier his confessor, is not known. When he came to the place of execution, he would not climb the ladder, until such time as being soundly beaten with hats and staves, he was forced to go up; and when he was up, he said, 'So long as I do wear any thing upon me, I shall not die;' wherefore the executioner stript him, and found certain images painted like to the signs of the heavens, and the head of a devil painted, and the names of many of the devils wrote in parchment; these being taken away he was hanged up naked, and after he had hanged some time, that the spectators should be sure he was dead, they cut his throat, and because the night approached, they let him hang till the next morning, and then his wife having obtained a licence of the king, took down his body, and carried it to the Gray-Friars, where it was buried.

On this day [Feb. 20], Brambre was brought again before the parliament; but not being able to make any Answer to the Articles wherewith he was charged, the like Sentence was pronounced against him, as had been before against the other conspirators. After which he was drawn upon an hurdle from the Tower to Tyburn, through the city, when he shewed himself very penitent, humbly craving mercy and forgiveness at the hands of God and men, whom he had so grievously offended, and so injuriously wronged in times past, earnestly desiring all persons to pray for him: when the rope was about his neck, and he was ready to be turned off, a certain young man, the son of one Northampton, asked him if he had done justice to his father or not [for Northampton was in 1385 mayor of the city of London, more wealthy and substantial than any else in the City; him did Brambre and Tresilian accuse of Treason and Conspiracy against the State, and condemned him to die, being despoiled of his estate, he himself at length hardly escaped, Holin. vol. 3. p. 446.] To whom Brambre answered and confessed with bitter tears, that what he did was most vile and wicked, and with an intent only to murder and overthrow the said Northampton; for which craving pardon of the young man,

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that thou be strong enough so to do that thou fail not.' The squire went forth and took four serjeants with him, and said, 'Sirs, follow me afar off; and as soon as I make to you a sign, and that I lay my hand on a man, that I go for, take him and let him not escape.' Therewith the squire entered into the house where Tresilian was, and went up into the chamber; and as soon as he saw him, he said, 'Tresilian, you are come into this country on no goodness; my lord the duke of Glocester commandeth, that you come and speak with him.' The knight would have excused himself, and said, 'I am not Tresilian, I am a farmer of sir John of Hollands.' 'Nay, nay,' quoth the squire, 'your body is Tresilian, but your habit is not?' and therewith he made tokens to the serjeants that they should take him. Then they went up into the chamber and took him, and so brought him to the palace. Of his taking the duke of Glocester was right joyful, and would see him, and when he was in his presence the duke said, 'Tresilian, what thing makes you here in this country? where is the king? where left you him?' Tresilian, when he saw that he was so well known, and that none excusation could avail him, said, 'Sir, the king sent me hither to learn tidings, and he is at Bristol, and hunteth along the river Severn.' 'What,' quoth the duke, 'you are not come like a wise man, but rather like a spy; if you would have come to have learnt tidings, you should have come in the state of a knight.' 'Sir,' quoth Tresilian, 'if I have trespassed, I ask pardon, for I was caused this to do?' 'Well, sir' quoth the duke, 'and where is your master the duke of Ireland;' 'Sir,' quoth he, 'of a truth he is with the king.' 'It is shewed us here,' quoth the duke, 'that he assembleth much people, and the king for him; whither will he lead that people?' 'Sir,' quoth he, 'it is to go into Ireland.' 'Into Ireland!' quoth the duke of Glocester. 'Yea, sir, truly, quoth Tresilian: and then the duke studied a little, and said, 'Ah, Tresilian! Tresilian! your business is neither fair nor good; you have done great folly to come into this country: for you are not beloved here, and that shall well be seen: you and such other of your affinity have done great displeasure to my brother and me, and you have troubled to your power, and with your counsel, the king, and divers others, nobles of the realm; also you have moved certain good towns against us. Now is the day come, that you shall have your payment; for he that doth well, by reason shall find it. Think on your business, for I will neither eat nor drink till you be dead.'. That word greatly abashed Tresilian; he would fain have excused himself with fair language, in lowly humbling himself; but he could do nothing to appease the duke. So sir Robert Tresilian was delivered to the hangman, and so led out of Westminster, and there beheaded, and after hanged on a gibbet.

he was suddenly turned off, and the executioner cutting his throat he died (*p*).

Robert Belknap, John Holt, Roger Fulthorpe, William Burleigh, John Carey, and John Lockton, being impeached [March 2.] by the Commons, were called to answer for their Conspiracy against the Commissioners at Nottingham. They could not gainsay, but that the Questions were such as were then asked them, but denied 'the Answers' to be so: and sir Robert Belknap pleaded in particular, that the archbishop of York, in his Chamber at Windsor, told him that he had devised and drawn up the Commission and Statute, whereby the government was wholly taken out of the king's hands, and that he therefore hated him above all men; and that if he found not some way to make void the said Statute and Commission, he should be slain as a Traitor. He answered, that the intention of the lords, and such as assisted at the making of them, was, that they should be for the honour and good government of the state of the king and kingdom: that he twice parted from the king dissatisfied, and was in doubt of his life; and said these Answers proceeded not from his good-will, but were made against his mind, and were the effects of the threats of the archbishop of York, duke of Ireland, and earl of Suffolk; and that he was sworn, and commanded in the presence of the king, upon pain of death, to conceal this matter, as the counsel of the king; and prayed for the love of God that he might have a gracious and merciful judgment.

Sir John Holt alledged the same matter of excuse, and made the same prayer, so did sir William Burleigh, and sir John Carey; who all made the same excuse, and made the same requests, as did also sir Roger Fulthorpe, and John Locton, serjeant at law.

To all which the commons answered, That they were taken and holden for sages in the law; and the king's will was, that they should have answered the Question as the law was, and not otherwise, as they did, with design, and under colour of law, to murder and destroy the lords, and loyal lieges, who were aiding and assisting in making the Commission and Statute in the last parliament, for the good Government of the State of the king and kingdom; and therefore the Commons prayed they might be adjudged, convicted, and attainted as Traitors. Upon which the lords temporal took time by good deliberation to examine the matter and circumstances of it, and for that they were present at the making of the said Statute and Commission, which they knew were contrived for the honour of God, and for the good government of the state of the king and whole kingdom, and that it was the king's will, that they should not have otherwise answered them, than according to law, and had answered as before, they were by the lords temporal, by the assent of the king, adjudged to be 'drawn and hanged as Traitors,' their heirs disherited, and their lands and tenements, goods and chattels to be forfeited to the king.

Whilst the Peers were trying them, the Clergy were retired into the King's Chamber; but when word was brought to them of the Condemnation of the Judges, the abp. of Canterbury, the bishop of Winchester, the chancellor, the Treasurer, the Lord Keeper of the Privy-Seal, arose hastily and went into the parliament house, pouring forth their complaints before the king and peers, humbly upon their knees beseeching them, that for the love of God, the Virgin Mary, and all the Saints, even as they hoped to have mercy at the Day of Judgment, they should shew favour, and not put to death the said Judges then present.—The duke of Glocester likewise, with the earls of Arundel, Warwick, Derby, and Nottingham, whose hearts began to be mollified, joined with them in their Petition. At length through their intercession, the execution upon their persons was spared, and their lives granted them; but they were sent back to the Tower to be kept close prisoners, and afterwards were sent into Ireland, there to remain for term of life (*q*).

On Tuesday, March 3, John Blake and Thomas Uske were brought into parliament: and first John Blake was impeached by the commons, That being retained of council for the king, he drew up the questions, to which the Justices made Answer, and contrived with the persons appealed, that the lords, and other the king's loyal lieges that caused the said Commission and Statute to be made in the last parliament, should be indicted in London and Middlesex, for treason, and that they should be arrested, and traitorously and wickedly murdered: and that he was aiding and advising in the treasons aforesaid, with the appealed already

(*p*) Grafton, p. 379. and from him, Holinshed, vol. 3. p. 463, say, That in his mayoralty he caused great and monstrous stocks to be made to imprison men in, as also an uncommon axe to strike off the heads of such as should resist his will and pleasure; and that he was sentenced by the parliament to be beheaded with his own axe. Froisart's Chron. Part. 2. fol. 113. But it appears by the Parliament-Rolls, 11 Rich. 2. Par. 3. No. 15. that both he and Tresilian were drawn and hanged.

(*q*) They were thus distributed; Robert Belknap and John Holt in the village of Dromore in Ireland; not to live as Justices but as banished offenders, nor to go out of town above the space of two miles upon pain of death. But the king out of his bounty was pleased to give a yearly annuity of 40*l.* to Robert Belknap, and of 20 marks to John Holt, during their lives.—Roger Fulthorpe, and Wm. Burleigh, in the city of Dublin, with the yearly allowance of 40*l.* to each during life, with the liberty of going two miles to Burleigh, and of three to Fulthorpe, for their recreation. —John Cary and John Locton, in Waterford, with the yearly allowance of 20*l.* to each during life, with the like liberty, and like penalty.

executed.—Then Thomas Uske was accused for procuring himself to be made Under-Sheriff of Middlesex, to the end to cause the said lords, and loyal lieges, to be arrested and indicted, as had been said before; and was aiding and counselling the Appealed in the Treasons aforesaid.—John Blake answered, 'That he was retained of council for the king, by his command, and sworn to keep secret his Advice, and whatever he did, it was by the king's command, whom he ought to obey.' And Thomas Uske gave the same answer. Whereupon the lords temporal took deliberation till the morrow, being the 4th of March, when the said John and Thomas were again brought into parliament; and good advice and deliberation having been taken by the lords, they pronounced them Guilty of the things whereof they were accused. And whereas they alledged for their excuse the king's command, it made the crime the greater, for that they knew well the persons appealed and condemned, had encroached to themselves royal power, as is said before, and it was their command, and not the king's; then the lords awarded, by assent of the king, that they should both be 'Hanged and Drawn as Traitors,' as open enemies to the king and kingdom, and their heirs disherited for ever, and their lands and tenements, goods and chattels forfeited to the king: and they were executed the same day.

On the 6th of March, Thomas bishop of Chichester was impeached and accused by the Commons, that he was present at the places and times when the said Questions were put to the Justices, &c. and the Answers made; and excited them by threats to answer as they did, and knew the false purposes and Treason designed by the Traitors adjudged, and aided and assisted them, and would not make discovery to any of the lords, that caused the said Commission to be made last parliament, whereby Remedy might have been had for the safety of the king and kingdom. To which the bishop answered, 'That of his own freewill, he had not excited them to do or say any thing; and further said, they were not excited or charged to say any thing but what the law was: and touching the concealment of the Treason, he had made such assurance as he could not discover: and said further, that the traitors were about the king; and had such power over him before, that he had not so great interest in the king as to prevent those mischiefs, that now came upon him. The commons replied, He had upon the matter confessed himself Guilty, and prayed he might be attainted. Upon this Answer of the bishop, the Replication of the Commons, and all circumstances of the Accusation, the lords took time to give such Judgment, as might be for the honour of God, and profit of the king and kingdom.

Simon de Burleigh, John de Beauchamp, James Baroverse and John Salisbury, were brought into the Parliament House, where they were impeached at the instance of the Commons. The Articles exhibited against them were sixteen; the first Article was the first Article in the former impeachment; in the second Article they were accused as Traitors and enemies of the kingdom, for that they knew of all the treasons in the Appeal mentioned, and that they were aiding, assisting, counselling and assenting to all the Traitors attainted; and that Simon Burleigh, and John Beauchamp were principal actors in all the said Treasons. In the eighth Article they were accused for conspiring and designing with the five persons appealed, to destroy and put to death those who were assenting to the making of the said Commission and Statute in the last parliament. Another Article was, That the said Simon Burleigh being King's Chamberlain, and being obliged to counsel the king for the best, to the advantage of him and his realm, he the said Simon by his wicked contrivance and procurement advised the king to entertain in his household great numbers of aliens, Bohemians and others, and to give them large gifts out of the revenues and profits of the realm, whereby the king was greatly impoverished, and the people otherwise oppressed.—The other Articles are of less moment, but all relating to the articles of the appeal, to which they all pleaded 'Not Guilty.'—The Commons replied they were Guilty, and the lords took time to examine and consider the Impeachment. Upon this and the bishop of Chichester's Impeachment, the lords adjourned until the 20th of March, on which day the whole parliament was adjourned until the 13th of April, on which day the lords further adjourned till the 5th of May; the time between was taken up with the Affair of sir Simon Burleigh: for three appellants, viz. the duke of Glocester, the earls of Arundel and Warwick, with the whole house of commons, urged that Execution should be performed according to the law: on the other side, the king and queen, the earls of Derby and Nottingham, and the Prior of St. John his uncle, with the major part of the house of lords, did labour to have him saved.—There was also some muttering among the common people, and it was reported to the parliament that the Commons did rise in divers parts of the realm, but especially about Kent, in favour of sir Simon Burleigh; which when they heard, those that before spake and stood for him, now clean left him.—By joint consent of the king and the lords, Sentence was pronounced (May 5.) against the said sir Simon Burleigh, That he should be drawn from the Tower to Tyburn, and there be hanged till he be dead, and then have his head struck from his body: but because he was a Knight of the Garter, a gallant courtier, powerful, and once a (r) favourite of the king's, and much respected of all the court, the king was pleased to mitigate his doom, that he should only be led to Tower-Hill, and there be beheaded.—John Beauchamp, steward of the houshold to the king, James Baroverse, and John Salisbury,

(r) See a particular account of his advancement and greatness, Holin. vol. iii. p. 464.

knights, gentlemen of the privy-chamber, were in like manner condemned; May 12, the two first were beheaded on Tower-Hill, but John Salisbury was drawn from Tower-Hill to Tyburn, and there hanged. On the same day also was condemned the bishop of Chichester, the king's Confessor; but because of his great dignity he was pardoned, but was banished to Cork in Ireland *(s)*.

(s) The judgments were afterwards reversed in the parliament held the 21st Rd. 2. but that parliament is declared to have been held by force in the Parliament Rolls, 1 Hen. 4. Nos. 21, 22, and No. 48, and is therefore entirely repealed by 1 Hen. 4. cap. 3. and the parliament of 11 Rd. 2. confirmed and approved of, as for the honour and profit of the realm, 1 Hen. 4. cap. 4.

13. Impeachment of THOMAS FITZ-ALAN, archbishop of Canterbury, of High Treason: 21 Richard II. A. D. 1397. [Cotton, 368. 1 Cobb. Parl. Hist. 224.]

ON the 20th of September 1397, the commons came before the king, in full parliament, and made Protestation by their Speaker, that though they intended to shew and declare certain matters and Articles, which they had then advised of and agreed amongst themselves; yet, nevertheless it was and is their intent and will, with leave of the king, to accuse or impeach any person or persons, as oft as they should think fit, during the time of this parliament; they prayed the king that he would please to accept this Protestation, and, that it might be entered as a Record on the Roll of Parliament; which the king granted and commanded to be done accordingly.

On the same day, the commons came again before the king, in parliament, and impeached Thomas Arundel, then archbishop of Canterbury, of High Treason; "For that he, being the chief officer of the king, his chancellor, when he was bishop of Ely, was traiterously aiding, procuring and advising in making a commission, directed to Thomas duke of Gloucester, Richard earl of Arundel, and others, in the 10th of his majesty's reign; and made and procured himself, as chief officer, to be put into it, to have power, with the other commissioners, to see it put in execution; which commission was made in prejudice to the king, and openly against his royalty, crown and dignity; and that the said Thomas actually put the said commission in execution." "Also, that the said archbishop, in the 11th of the king, procured and advised the duke of Gloucester, with the earls of Warwick and Arundel, to take upon them royal power, and to arrest the king's liege subjects, viz. Simon Burley and James Berners, knights, and adjudge them to death, contrary to the king's will and without his consent; thereupon, the said commons prayed the king that the said archbishop might be put into safe custody." The king answered; "Because the accusation and impeachment touched so high a person, and a peer of the realm, he would be advised."

The next day the commons prayed the king, "That as they had impeached and accused the archbishop of Canterbury of assenting and being in the contrivance of making the commission on the 19th of November, in the 10th of the king, and agreed to the execution of the same, which was expressly against his state and dignity, that he would please to ordain such judgment against the said archbishop as the cause required." Hereupon the king commanded it to be recorded in parliament, "That the archbishop had been before him, in the presence of certain lords, and confessed that he was mistaken, or erred in the exercise of the commission, and therefore put himself upon the king's grace and mercy." Upon this, the king and the lords temporal, with sir Thomas Peircy, the proctor for the prelates, who, as it appears upon record, had full power from the whole body of the clergy to act for them, adjudged and declared the said article, which the archbishop had confessed, to be treason, and that it touched the king himself; for which they, also, adjudged and declared him a traitor. And it was awarded in parliament, "That he should be banished out of the kingdom, have his temporalities seized, and his goods and chattels forfeited to the king, who was, also, to appoint the time of his exile." Whereupon, the king assigned him a time of passage,—which was from the eve of St. Michael, until six weeks next ensuing; to pass from the port of Dover into France; and further, that he should forfeit all his lands, tenements, and possessions, which he had in fee simple by descent, or purchase, or otherwise, at the day of the treason committed, or after, or that any one held to his use, to the king and his heirs for ever.

14. Impeachment of THOMAS duke of GLOUCESTER, RICHARD earl of ARUNDEL, THOMAS earl of WARWICK, THOMAS MORTIMER, and sir JOHN COBHAM, knight, of High Treason: 21 Richard II. A. D. 1397. [Cotton, 377. Froissart, l. 4. c. 90. Walsing. 354. 3 Tyrrel, 968. Brady, 411. 1 Cobb. Parl. Hist. 225.]

IN the Parliament assembled at Westminster the 17th of September 1397, came on the proceedings against the duke of Gloucester, and the earls of Arundel and Warwick, contained in several Articles of Impeachment then brought against them, by way of bill, by the Lords Appellants, mentioned in the Council of Nottingham. The bill, as appears by the Record itself, was directed to the king in parliament, and is to this effect. First, it sets forth, "That the duke of Gloucester, and the earl of Arundel, designing to encroach, and have the government of your royal person and kingdom, with the liberties and dignities thereof, as well within this kingdom, as without; when the parliament sat at Westminster, in the 10th of your reign, they sent a peer of the land to you, who on their behalf, and by their command, told your majesty, that if you would not consent to make to them, and others whom they should name, such a Commission, whereby they might have the government in the manner as is above related, you should be in danger of your life, and the lords and commons of parliament would depart without your leave; and then you should see in what a miserable condition you would be; so that in very fear of their power, you then granted such a Commission as they desired." Next follows the Commission itself; viz.

"Richard, king, &c. to all those to whom these letters shall come to be seen or heard, greeting. We being duly conscious of the grievous complaints of the lords and commons of our realm in this present parliament assembled, that our profits and rents, and the revenues of our realm, by private and insufficient council, and the ill governance as well of certain of our late great officers, as of divers other people being near our person, are so much consumed, wasted, embezzled, given away, granted, and aliened, destroyed, and evilly disposed of and expended: that we are so much impoverished and stripped of treasure and means, and the substance of our crown so diminished and destroyed, that we are neither able to sustain honourably, as we ought, the state of our household, nor maintain and manage those wars wherewith our realm is environed, without great and outrageous oppressions and charges on our people, greater than they can bear: and also that the good laws, statutes and customs of our said realm, to which we are bound by oath, and obliged to maintain, are not, nor have been duly observed and executed, nor full justice or right done to our said people: but many disinherisons and other most great mischiefs and damages have happened, as well to us, as to our people and whole realm. Now we, for the honour of God, and for the good of us and our realm, and for the quiet and relief of our people, willing against the said mischiefs to establish a good and meet remedy, as we have already of our free will, at the request of the lords and commons, ordained and assigned such persons for our great officers; that is to say, our chancellor, treasurer, and keeper of our privy seal, as we esteem good, faithful, and sufficient, for the honour and profit of us and our realm: so also of our real authority, certain knowledge, good pleasure, and free will; and by the advice and assent of the prelates, lords, and commons in full parliament in aid of the good governance of our realm, and the well and due execution of our laws, and for the relief in time of that miserable condition under which both we and our subjects have long laboured, having full confidence in the good advice, sense, and discretion of the most honorable fathers in God, William archbishop of Canterbury, and Alexander archbishop of York; our most dear uncles, Edmund, duke of York, and Thomas, duke of Gloucester; the honourable fathers in God William, bishop of Winchester, Thomas, bishop of Exeter, and Nicholas Abbot of Waltham; our beloved and faithful Richard earl of Arundel, John lord Cobham, Richard le Scroop, and John Devereux, have ordained, assigned and deputed, and do ordain, assign and depute them to be of our great and continual council, for one whole year next after the date hereof, to survey and examine, together with our said great officers, as well the estate, condition, and government of our whole realm, and of all our officers and ministers of whatever estate, degree, or condition they be, within our household or without; and to inquire and take information by all such ways as they shall think meet, of all rents, revenues, and profits belonging to us, or which are due and ought to appertain to us, either within the realm or without: and of all gifts, grants, alienations, and confirmations by us made, of any lands, tenements, rents, annuities, profits, revenues, wards, marriages, escheats, forfeitures, franchises, liberties; voidances of archbishoprics, bishoprics, abbeys, priories, farms of houses, possessions of aliens, &c. And also of all revenues and profits, as well of our said realm, as of our lands, lordships, cities, villages, and other possessions beyond the sea; and of the benefices and possessions, and other revenues of all

that are in rebellion against the pope: and of the carrying monies out of the realm by the collectors of the pope, or the procurators of cardinals, Lombards, or other persons: and likewise of the profits of our customs, and all subsidies granted to us by the clergy and laity, since the day of our coronation, to that time: and of all fees, wages, and rewards of our officers and ministers great and small, and of annuities and other rewards granted; and gifts made to any persons in fee or for term of life, or in any other manner; and of lands, tenements, rents, revenues, and forfeitures, bargained or sold to the prejudice and damage of our crown: and also touching the jewels and goods which were our grandfather's at the time of his death, and of charters and general pardons; and how general payments have been levied and expended; how garrisons and forts have been maintained: and of all defaults and misprisions as well in our household, as in our courts, and all other places of our realm: and by what persons our revenues and the substance of our crown have been withdrawn or diminished; or the common law interrupted or delayed, or any other damage that hath happened to us. Giving, and by these presents granting, of our authority, and by the advice and assent of our said subjects, unto our said counsellors, or any six of them, and to our great officers aforesaid, full power and authority general and special, to enter our palace and household, and to call before them all our officers, and to command all rolls, records, and other monuments and evidences; and all defaults, wastes, and excesses found in our said household, and in other courts and places; and all deceits, extortions, oppressions, damages, and grievances whatsoever, that are to the prejudice, damage, and distress of us and our crown, and the estate of our said realm in general (though not herein particularly expressed and specified) to amend, correct, repair, redress, reform, and put into good and due order and establishment: and also to hear and receive the complaints of all our liege people, as well for us as themselves, against our said officers and counsellors: and all oppressions, wrongs, and injuries, which cannot so well be amended and determined in the courts of the common law; and to discuss and finally determine all the matters aforesaid, and full execution thereof to award, as to them shall seem most meet, for the honour and profits of us and our estate, and to the redintegration of the rights and profits of our crown, and the better governance of the peace and laws of our kingdom, and the relief of our said people. In which proceedings, if difference of opinion happen amongst our said counsellors, the same shall be concluded by majority of votes: and we command and charge all prelates, dukes, earls, barons, sheriffs, the treasurer, and comptroller, and all other officers of our household, justices de banco, and other officers, ministers, and liege subjects whatsoever, that to our said counsellors and officers in manner aforesaid, they be obedient, aiding and assisting. In witness whereof, &c. Given under our great seal the 19th day of November 1386.

The Articles of Impeachment go on thus: 1. "The said duke and earl of Arundel, to accomplish their traiterous purposes, and to have your royal person in their power, ordered, as they pleased, the government of your whole state, with the laws and dignities thereof, and prevailed with Thomas earl of Warwick, and Thomas Mortimer to join with them in their traiterous design; who, by agreement, as traitors to the king and kingdom, all met and assembled on the 13th of November in the 11th of your reign, at Haringay-Park in Middlesex, with a great number of people armed and arrayed, and made divers of your leige-people in several parts of your realm, to rise, and march with them against your royal person, contrary to their legiance, and would not come before your presence, until they were secured by your oath that they might come, and return safely; and then they all appeared before you in your palace at Westminster with a great force of armed men, and traiterously constrained you to take them into your safe protection, against your will and pleasure."—2. "The said duke, the earls of Arundel and Warwick, and Thomas Mortimer, continuing their traiterous purposes, by force and violence, did take, and imprison divers of your leige people and amongst others, sir Simon Burley, and brought him to your parliament held on the morrow of the purification, in the 11th of your reign, and there suggested divers points of high crimes and treason against him, and the advice of every lord then present was asked, concerning the crimes of the said Simon, and afterwards the duke and earl would know your advice and opinion; and you answered plainly, he was not Guilty in any point objected against him. And afer that, the duke and earls caused you to come into a secret place at Westminster, and there showed you the particulars of the crimes abovesaid. To whom you then answered likewise, that the said Simon was not Guilty in any of those points. And there they took upon them traiterously to have you by force consent to the judgment they had designed against him; and yet you would not consent to any judgment to be given against the said Simon. Yet nevertheless, the said duke and earls took upon them royal power, in prejudice of you, and in derogation to your crown, and without your assent, and contrary to your will, in your absence, and in the absence of many other peers of parliament without their assent, and against their wills, they awarded that the said Simon should be drawn, hanged and beheaded; and thereupon they traiterously caused his head to be struck off, against your peace, crown, majesty and dignity."—3. "The aforesaid duke, earls, and Thomas Mortimer, continuing their malicious, false and traiterous purposes and force, at Huntingdon, on Thursday the 6th of December in the said 11th year, traiterously agreed, and intended to have gone with their forces to any place of the kingdom, where they

might have found your royal person, to have surrendered to you their homage-liege, and to have deposed you; and this they would have done, had they not been hindered by Henry of Lancaster earl of Derby, and Thomas Mowbray earl of Nottingham. And the said duke and earls continuing their traiterous intention and force, by agreement between them, caused the records in your treasury, of the time of your great grandfather king Edward to be searched, how he demised his crown; and they shewed to you in writing the causes of the demise of his crown in your palace at Westminster in the time of parliament in the said 11th year, and they said falsely and traiterously that they had cause sufficient to depose you, but for the reverence they had for your most noble grandfather and father; and they said also, that in hopes of your better government they would suffer you to continue in your royal estate and regality."—4. "Which treasons so imagined, done and perpetrated by the aforesaid duke, earls, and Thomas Mortimer, against your royal person, estate, majesty and dignity, as is above declared: We the Appellants (there named) your loyal lieges, have been and are ready to prove against the said duke, the earls of Arundel, and Warwick, and Thomas Mortimer as you, our most dread lord, and this high and honourable court, your parliament, shall order."

These Articles having been read, the Lords Appellants prayed the king that the accused might be brought before him, in parliament to make their answer. Accordingly, Ralph lord Nevil, constable of the Tower, there present, had orders to bring before them Richard earl of Arundel, his prisoner, which he did, on the 4th day of this session of parliament. The duke of Lancaster, being constituted lord high steward of England, *pro hac vice*, told the prisoner, that he was impeached of divers acts of High-Treason, and the appeal being read to him, his answer was, "That he had a general pardon in the parliament held in the 11th of the king; as also a charter of pardon made to him within 6 years last past, both which he prayed might be allowed." The lord high steward told the earl, by command of the king and consent of parliament, that, "The pardon granted in the 11th year, was made by constraint upon the king, by the said duke, earls and others of their party, assuming to themselves royal power, in prejudice to the king, his royal estate, crown and dignity; and that the charter of pardon was made in deceit of the king, and expressly against him and his royal dignity; wherefore, upon the request of the commons by consent of the king and all the estates of parliament, the said pardon and charter had been in this parliament repealed and made void." The earl was asked if he had any thing more to say, and he being silent, sir William Clopton, chief justice of the king's bench, by the king's command, declared to him the law, and the punishment he must undergo, if he pleaded nothing else, for if he did not, he would be convict and attainted of all the matters objected against him. But upon the earl's still insisting on his charter and pardon, and demanding the allowance of them, the Lords Appellants, in their proper persons, prayed the king, "That it would please him to give judgment upon him as convict of all the points on which he was accused.

The Earl of Arundel convicted.

Then the lord high steward, by command of the king, all the lords temporal, and sir Thomas Piercy, proctor for the clergy, as before taken notice of, adjudged the said earl of Arundel, "Guilty and convict of all the points on which he stood appealed, and as a traitor to the king and realm, to be drawn, hanged, beheaded, and quartered. And farther, because his treasons were of so high a nature, as to have gone about to surrender their liege homage, and depose the king, and that his levying war was so notorious, the said lord high steward, by the authority aforesaid, awarded that all his castles, manors, lands, tenements, reversions, fees, and every other manor of inheritance, as well in fee-tail as fee-simple, which were the said earl of Arundel's on the 19th of Nov. in the 10th of the king, or afterwards; and also all the lands and tenements of which other persons were infeoffed to his use, the said 19th of Nov. or afterwards, with all his goods and chattels, should be forfeited to the king and his heirs for ever." But the king graciously remitted that part of his sentence of being drawn, hanged, and quartered; and to shew equity as well as rigour, the king and lords, both spiritual and temporal, declared, that it was not their intention that the lands and tenements, fees or any other inheritance of which the said earl stood infeoffed, to the use of another, should in any manner be forfeited by reason of this judgment.

The Duke of Gloucester, though dead, declared Guilty of High Treason.

On the same day that the earl of Arundel was brought into parliament and tried and convicted, the king directed his warrant to Thomas earl marshal, governor of the town of Calais, or to his lieutenant, signifying that he should bring over the body of Thomas duke of Gloucester, with all the speed he could, to answer to divers Articles of Treason objected against him in parliament by the Appellants, according to the law and custom used in England; and further to receive the orders of the king and parliament concerning him. This writ bears date at Westminster, September 21. The return of the earl marshal to this warrant, was, "That he could not bring the said duke before the king and his council in that parliament for that, being in his custody, in the king's prison at Calais, he there died." This return was made Sept. 24. Upon the reading of this warrant and return in parliament the Lords Appellants prayed the king, "That the said duke of Gloucester might be declared a traitor and an enemy to him; as having levied war in this kingdom

against his person and contrary to his allegiance. And that all his lands, tenements, goods and chattels might be forfeited; as, in this case, notwithstanding his death, they ought to be." Then the commons prayed the king and lords, "That since it was notoriously known to his majesty and all the estates of this parliament, and to all the kingdom, that the said duke and others of his party assembled at Haringway, in the county of Middlesex, with a great number of people armed and arrayed to make war against the king, contrary to their allegiance, and came with those forces into the king's presence, which was levying war against their liege-lord, that he might thereupon be adjudged as a traitor, and his lands, tenements, &c. notwithstanding his death before, forfeited." Whereupon, all the lords temporal, and the aforesaid sir Tho. Piercy, proctor for the clergy, declared that the said crime and treason was notoriously known to them and the whole kingdom; wherefore they, with the king's assent, declared him guilty of levying war as a traitor, and adjudged "all his castles, lands, manors, &c. which he was possessed of on the 13th of Nov. in the 11th year of this reign, to be forfeited to the king and his heirs; and that none of his issue, or heirs of his body, or their issue or heirs in time to come, should ever bear the royal arms of England entire, or with difference; or in any other manner whatsoever, should inherit the crown of England."

The Duke's Confession while in Prison.

On the 25th of Sept. the said Appellants prayed the king in full parliament that if there was any thing upon record, either by Confession of any person accused, or any other person whatsoever touching their appeal, that it might be openly known and declared in full parliament. Upon which petition, by the advice of the lords temporal, the king commanded that a Commission bearing date the 17th of August last past, directed to sir William Rickhill, one of the justices of the Common bench, together with a Confession made before him, by Thomas late duke of Gloucester, by virtue of the abovesaid Commission, with the return of that Commission, be read in parliament. The duke's Confession is in old English, and deserves particular notice, as a specimen of the elegance of the English tongue in those days:

"This is the Answer of William Rickhill to the Commission of his liege lord the king. Thomas duke of Gloucester, be the name of Thomas Woodstock, the zear of the king Richard 21, in the castle of Caleys, by vertue of a commission of the king, as it is more plainly declared in the same, directed to William Rickill, justice, hath I know and confessed to fore the same William all the matters and points I wrote in this great roll annexed to this schedule, the which schedule and great roll both sealed under the seal of the aforesaid William, and all the matters and points I know and confessed by the aforesaid duke in the castle of Caleys, the foresaid duke be his own hand fully and plainly I wrote, and delivered it to the same Wm. Rickhill touching this matter as it was done in the presence of John Lancaster, and John Lovetoft, and in none other manner."

"I Thomas of Woodstock, the zear of my lord the king 21, be the vertue of a commission of my lord the king, the same zear directed to Wm. Rickhill, justice, the which is comprehended more plainly in the aforesaid commission, knowleche that I was one with sertynge of other men, to assent to the making of a commission, in the which commission I among other, restrained my lord of his freedom, and took upon mè among others power regal, truly not knowing ne witting, that time that I did against his estate, nor his royaltie, as I did after, and do now; and forasmuch as I knew afterward that I had done wrong, and take upon me more than I ought to do, I submitted me to my lord, and cried him mercy and grace, and yet do as truly and as meekly as any man may, and put me high and low in his mercy and grace, as he hath always been full of mercy and grace to all other. Also, in that time, that I came armed into my lord's presence, and into his palace, howsoever that I did it for drede of my life, I knowleche for certain, that I did evil, and against his regalitie, and his estate, wherefore I submit me lowly and meekly to his mercy, and to his grace. Also, in that I took my lord's letters of his messages, and opened them against his leave, I knowleche that I did evil, wherefore I put me lowly in his grace. Also, in that, that I sclaundred my lord, I knowlech, that I did evil and wickedly, in that, that I spake to him in sclaunderous wise, in audience of other folk; bot by the way, that my soul shall too, I meant none evil therein, nevertheless I wot and knowleche that I did evil and unkindly, wherefore I submit me high and low in his grace. Also, in that I among other, communed and asked of certain clercs, whether that we might give up our homage for drede of our livrs or not, and whether that we were assentid thereto for to do it, trewly and by my troth, I ne have how none full mind thereof but I trowe rather yes, than nay, wherefore I submit me high and low evermore in his grace. Also, in that, that I was in place, where it was communed, and spoken in manner of deposal of my liege lord, truly I knowlech well, that we were assentid thereto for two days or three, and then were for to have done our homage and our othes, and put him as highly in his estate as ever he was; but forsouth there I knowlech that I did untruly, and unkindly as to him, that is my liege lord, and hath been so good and kind lord to me, wherefore I beseech to him, notwithstanding myn unkindness, evermore of his mercy and of his grace, as lowly as any creature may beseech it unto his liege lord. And as of any new thing or ordenance, that ever I should have witting or known, ordained or as-

sentid, privy or appert, that should have been against my lord's estate, or his will or any that longeth about him, syth that day I swore unto him at Langely, on God's body truly, and by that othe that I there made, I never knew of gathering against him, ne none other that longeth unto him. And as touching these points, that I have made confession of to sir Wm. Rickhill, justice, in the which I wot well, that I have offended my lord unkindly and untruly, as I have said before, how that I have in all these points offended him, and done against him, frewly and as I will answer before God it was my meaning and my weaning to do the best for his person and for his estate; nevertheless I wot well, and know well nowe, that my deeds and my workings were against my intent; but by the way that my soul shall too, of these poiats and of all other the which that I done of negligence and of unkunning, it was never myne intent ne my will, ne for my thought for to do a thing that should have been distresse or harming against the safety of my liege lord's persone, as I will answer before God at the day of judgment. And therefore I beseech my liege and sovereign lord the king, that he will of his grace and benignity accept me to his mercy and his grace, as I that put my life, my body and my goods, wholly at his will, as lowly as meekly as any creature can do or may do to his liege lord; beseeching to his high lordship, that he will for the passion of him that suffered for all mankind, and the compassion that he had for his mother on the crosse, and the pity he had of Mary Magdalen, that he will vouchsafe for to have compassion and pity, and to accept me to his mercy and to his grace; as he that hath ever been full of mercy and of grace to all his lieges, and to all other that have nought been so nigh unto him as I have been, though I been unworthy."

After this return to the Commission had been read, the Appellants prayed, that sir Wm. Rickhill, approved for his loyalty and discretion, might be commanded by the king upon his allegiance to declare the truth touching this Confession; who, in the presence of the king, the lords spiritual and temporal, and commons in parliament said and declared, "That about 8 o'clock before noon, he came within the castle of Calais, to the duke of Gloucester, who was then of good memory and out of prison. That he shewed him his commission, and the cause of his coming, in the presence of John Lancaster and John Lovetoft; and desired that what he, the said duke, had to say to it he would put down in writing, and then he departed. Returning to him about 9 of the clock, in the afternoon of the same day, the duke read in writing the said Confession, with his own mouth, and gave the same to Wm. Rickhill with his own hand. Further; Wm. Rickhill said to the said duke, that if there was any thing more touching this matter, that he would speak it for the king's satisfaction, and the knowledge of the whole truth of the affair. Whereupon the duke said he had forgot one thing that then came into his memory, that he said to his majesty, 'if he designed to be king, he must not intercede for sir Simon Burley, to save him from death.' And he desired the said William Rickhill to shew this to the king by word of mouth." See Brady, p. 411.

The Earl of Warwick convicted.

On the 20th of September, the constable of the Tower brought before the parliament Thomas earl of Warwick, who was told by the duke of Lancaster, that he was accused by Edward earl of Rutland, and the other Appellants, there named, of divers High-Treasons, which were all comprehended in two articles: that of assembling with force and armed men at Haringay, &c. and the charge about sir Simon Burley, which were drawn up in the same words as in the case of the earl of Arundel. To all which he answered with tears, 'that he well understood those treasons and wicked deeds; that he was guilty of them, and put himself upon the king's mercy and grace." Upon which the duke of Lancaster pronounced the very same sentence against him, in all things, as he had done against the earl of Arundel. But, adds the record, the king, moved with pity, to the reverence and honour of God, at the prayer of the Appellants, the lords spiritual and temporal, and commons in parliament, remitted part of the said judgment, and granted him his life; so that his sentence was "to remain prisoner in the Isle of Man during his life, upon condition that if any means were made use of to the king or his heirs, to gain him any further favour, or if he should make his escape, then the judgment should be put in execution, and the king's grace should be void.', This done, the commons before the king in parliament affirmed the said Appeals to be all good and lawful.

Thomas Mortimer makes his escape.

Afterwards, the Lords Appellants impeached Thomas Mortimer of the Treasons comprised in the said accusation; but he, being then in Ireland, fled into the mountains to the Irish rebels for protection. A proclamation was thereupon ordered in parliament to be made throughout Ireland, that he should surrender himself in England within three months, to answer to the impeachment, or else be declared a traitor; and all his manors, castles, lands, and tenements, &c. which he was possessed of on the 13th of November, as in the former cases, should be forfeited to the king.—In the next session, Thomas Mortimer had time given him to make his appearance and take his Trial, which he not doing, the duke of Lancaster, as lord high steward, with the consent of the lords temporal, and the earl of Wiltshire, then proctor for the prelates and clergy, gave Sentence and Judgment against him, according to the tenor of the proclamation.

Sir John Cobham convicted.

On the 28th of January following, came on the Trial of John de Cobham, knight, who had been impeached by the commons in the last

session for the same crimes that Thomas Mortimer was, viz. that he, sitting in judgment, awarded Simon Burley and James Berners, knights, to be executed as before, without the king's assent, in his absence, and in the absence of many peers of parliament who arose and would not sit in such judgment, &c. against the peace of the king, his crown and dignity. The duke of Surrey, in whose custody this sir John Cobham was, brought him into parliament to answer to the Articles alledged against him, and the duke of Lancaster told him, that he was accused and impeached by the commons for the Treasons aforesaid, and commanded him to answer at his peril. Upon hearing the Impeachment read, the knight said, "That as to the making of the Commission he was not guilty; and as to the use and exercise of the same, he said he did not meddle with it without the king's command, and that he went to the king and told him, he, with others, were made commissioners, but that he would not act according to the commission without the king's licence, who thereupon commanded him to act." To this the king himself answered, "That he was under such government at that time, that he could say no otherwise, by reason of such as were then about him; but that the commission was made against his will the said John Cobham could not deny." As to the judgment and award made against the said Simon and James, the prisoner said, "He was told by those who were then masters, that it was the king's will such judgment and award should be made."—Upon these Answers, the commons prayed the king to give Judgment against him, as convict and attainted of the use and exercise of the commission, &c. Whereupon, the lord high steward, by consent as aforesaid, gave Judgment against the said John de Cobham, as in the case of the earl of Arundele. But all those judgments the king graciously pardoned; yet so that he was to be a prisoner in the isle of Jersey during his life.

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15. Articles of Accusation against RICHARD II. King of England; 1 Henry IV. A. D. 1399. [Rot. Parl. 1 Hen. IV. N. 10. 4 Rapin, 76. 1 Cobb. Parl. Hist. 251.]

ON Monday, the 6th of Oct. 1399, the peers, with the bishops and commons, of England, being assembled in the great Hall at Westminster, and the new king placed in the royal throne; by his command, Thomas Arundele, archbishop of Canterbury, declared, "That this parliament was summoned by king Richard, to be held the Tuesday next before. Which summons was annulled and made void by the accepting of the Renunciation of the said king Richard, and deposing of him; which was done the same day in the presence of the king, lords and commons, as by the process hereafter to be read would appear."—He then told them, "That this most famous realm, abounding in all felicities, had been long governed by children and young counsellors, and would utterly have been ruined and wasted, had not God sent a wise and discreet man to govern the same, who meant by God's help, to be governed himself by the wise and old heads of the realm."—After this he took for his text these words out of Maccabees, *incumbit nobis ordinare pro regno*, i. e. it is the king's will to be governed by the honourable, discreet, and sage men of the realm, and by their common consent; and not by his will or humour, to rule the same. He further laid great stress on this, "That this nation, of any under the sun, might best support and live within itself, alledging for authority this adage, *Quod inter regna, hoc principatum tenet.*" To these he added, "That to every good government three things were required; 1st, justice: next, that the laws should be duly observed; and lastly, that every degree of men, in their several vocations, should be encouraged and protected." He brought many reasons why this nation ought to be well governed, and said, "That their new king intended strictly to observe these three points." He concluded with acquainting them, "That Henry, their king and lord, meant to be crowned on the Monday following, after which he would wholly addict himself to the care of the Commonwealth; and desired the commons that they would consent to have the parliament continued to the Tuesday following." After this harangue was ended, Henry Percie, earl of Northumberland, and constable of England, demanded of the lords and commons, whether they would agree to his continuance, who, being all and severally examined, consented thereto.

Renunciation of Richard 2.

The next thing they went upon, was to read the record of the Renunciation of king Richard II. with their acceptance of the same, and the Deposition of the said king, as follows:

The Record and Process of Renunciation of king Richard 2 after the conquest, and likewise the acceptance of the same Renunciation, with the Deposition of the same king Richard afterwards ensuing.

"Be it remembered, that on Monday the feast of saint Michael the archangel, in the 23rd year of the reign of king Richard 2, the lords spiritual and temporal, and other persons of note; that is to say, the lord Richard le Scroop, archbishop of York, John bishop of Hereford, Henry earl of Northumberland, and Ralph earl of Westmoreland; the lord Hugh de Burnel, Thomas lord de Berkeley, the prior of Canterbury with the abbot of Westminster,

William Thyrning, knight, and John Markham, justices; Thomas Stow and John Burbache, doctors of laws, Thomas de Erpingham and Thomas Gray, knights, Wm. de Feryby and Dionysius Lapham, public notaries, first deputed to the act under-written, by the assent and advice of several of the lords spiritual and temporal, and of the judges and others, skilful as well in the civil and canon law, as in the laws of the realm, assembled at Westminster in the usual place of council; did about nine of the clock come to the presence of the said king, being within the Tower of London: and it being recited before the said king, by the said earl of Northumberland, in the behalf of all the rest before-named, so as aforesaid joined with him: how the said king heretofore at Conway in North-Wales, being at liberty, did promise unto the lord Thomas archbishop of Canterbury, and the earl of Northumberland, that he would yield up and renounce the crown of England and France, and his regal majesty, for causes of his inability and insufficiency, there by the said king himself confessed, and that in the best manner and form the same could be done, as counsel learned should best order; the said king before the said lords and others above-named, hereunto benignly answered, "That he would with effect accomplish, what before in that behalf he had promised," but desired to have some discourse with his cousins, Henry duke of Lancaster, and the said lord archbishop of Canterbury, before he fulfilled such his promise. Afterwards the same day after dinner, the said king much affecting the coming of the said duke of Lancaster, and having long waited for him, at last the said duke of Lancaster, the lords, and others above-named, and also the said archbishop of Canterbury, did come to the presence of the said king in the Tower aforesaid: the lords de Roos, de Willoughby, and de Bergavenny, and very many others being then there present; and after the said king had had discourse with the said duke of Lancaster and archbishop, exhibiting a merry countenance here and there amongst them to part thereof, as appeared to those that stood round about; at last the said king calling to him all that were there present, did publicly say before them, "That he was ready to make the renunciation, and to renounce and recede, according to the promise by him made as aforesaid." And so forthwith, although, as was said unto him, he might have made some deputy to have served as the organ of his voice, for avoiding so tedious a labour as the reading of the said cession and renunciation, reduced by others into a schedule of parchment; yet the said king, very willingly as appeared, and with a pleasant countenance, holding the said schedule in his hand, said, "That he himself would read it," and distinctly read the same through: and also did absolve all his liege people, and renounce, and recede and swear, and other things did say and pronounce in reading, and did subscribe it with his own hand, as is more fully contained in the said schedule; the tenor whereof is such:"

"In the name of God. Amen. I, Richard, by the grace of God, king of England and France, and lord of Ireland, do absolve the archbishops, bishops and other prelates of churches, secular or regular, of whatsoever dignity, degree, state, or condition they be; the dukes, marquisses, earls, barons, vassals, and valvasors, and all and every my liege people whatsoever, ecclesiastics or seculars of all the said kingdoms and dominions, by what name soever they are known, from the oath of fealty and homage, and other oaths whatsoever to me made, and from all bond or tye of legiance, royalty, and dominion, whereby they have been or are obliged, or otherwise in any manner bound unto me. And I do free, release, and acquit them and their heirs and successors for ever, from the said oaths and other obligations whatsoever. And I do dismiss them free, unloosen, quit and in full immunity, as far as relates to my person, to every effect of law which may follow from the premises, or any of them. And I do purely, of my own accord, simply and absolutely, in and by the best manner, way, and form that may be in these writings, renounce and totally resign all kingly dignity and majesty, and the crown and dominion and power of the said kingdom and dominions, and all other my dominions and possessions, or any way belonging or appertaining unto me, by what name soever they may be reckoned up within the aforesaid kingdoms, or elsewhere: and all right and colour of right and title, possession, and dominion, which at any time I have had, now have, or by any means shall have in or to the same, or any of them, with their universal rights and appurtenances, or any dependencies however, on them or any of them: and also the rule and government of the said kingdoms and dominions, and their administration, and all manner of meer and mixt empire and jurisdiction to me in the said kingdoms belonging, or that may be belonging; and to the name of king, and the honour, regality, and celsitude royal, purely, voluntarily, simply, and absolutely, by the best manner, way, and form that the same can be done in these writings, I do renounce, and them do totally resign, and in deed and in word dismiss and quit the same, and from them do recede for ever. Saving to my successors kings of England, the rights to them or any of them belonging, or that shall any way belong, in the said kingdoms or dominions, and all other the premises for ever. And I do confess, acknowledge, repute, and truly and out of certain knowledge, do judge myself to have been and to be utterly insufficient and unuseful for the rule and government of the said kingdoms and dominions, with all their appurtenances: and that for my notorious demerits I deserve to be deposed. And I do swear upon these holy gospels of God, by me corporally touched, that I will never act contrary to the said resignation, renunciation, dismission, and cession; nor any

way oppose the same in deed or in word, by myself or any other or others: nor will, as much as in me lies, permit the same publicly or privately to be contraried or opposed; but the said renunciation, resignation, dismission, and cession will for ever esteem ratified and well-pleasing, and firmly hold and observe the same in the whole and in every part; so God me help, and these holy gospels of God. I the before-named king Richard do here subscribe myself with my own hand."

"And presently to the said Renunciation and cession, the said king added by word of mouth, 'That if it lay in his power, the said duke of Lancaster should succeed him in his kingdom.' But, because, as he said, this did not depend on his pleasure, he did request the said archbishop of York, and bishop of Hereford, whom he for that time had constituted his procurators, to declare and intimate such his cession and renunciation to the states of the kingdom, 'That they would be pleased to signify to the people, his will and intention in that behalf.' And in token of such his will and intention, did then and there openly pluck off the golden ring of his signet from his own finger, and put it upon the finger of the said duke of Lancaster, desiring as he affirmed, that the same might be made known to all the states of the kingdom. Which being done, taking their leaves on both sides, they all went out of the said Tower to return to their lodgings.

"But on the morrow, viz. Tuesday the feast of saint Jerome, in the great hall at Westminster, in the place honourably prepared for holding the parliament, the said archbishops of Canterbury and York, and the duke of Lancaster, and other dukes and lords, as well spiritual as temporal, whose names are underwritten, and the commons of the said kingdom, assembled in a great multitude in parliament being present, and the said duke of Lancaster being seated in a place due to his quality, and the chair of state being solemnly adorned with cloth of gold, but then empty, without any person whatever presiding therein; the above-named archbishop of York, in the name of himself, and of the said bishop of Hereford, according to the order of the said king, did publicly declare the Cession, and Renunciation, to have been so made by him as aforesaid, with the subscription of his royal hand, and delivery of the signet. And the said Cession and Renunciation, did there cause to be read by another, first in Latin and then in English.

"Immediately after which, it was demanded of the estates and people there present, to wit, first of the archbishop of Canterbury, to whom, by reason of the dignity and prerogative of his metropolitan church of Canterbury, it belongs in this behalf to have the first voice, amongst the rest of the prelates, and nobles of the realm, 'whether for their interest and the utility of the kingdom, they would be pleased to admit such Renunciation and Cession.' And the said states and people, [illegible] the causes by the said king himself, in his Renunciation and Cession aforesaid, signified, that the same was very expedient, did each man singly by himself, and in common with the people, unanimously admit the said Cession and Renunciation. After which admission, it was then and there publicly declared, that besides such Cession and Renunciation so as aforesaid admitted, it would be very expedient and profitable to the kingdom, for the removing of all scruples, and taking away sinister suspicions, that every many crimes and defects, by the said king about the ill governance of his kingdom very often committed, reduced into writing by way of articles, by reason of which, as himself affirmed in the Cession by him made, he was deservedly to be deposed, should be publicly read, and declared to the people. And so the greatest part of the said articles were then and there read through. The tenour of all which Articles is such:"

Articles against Richard 2.

"Imprimis, It is objected against king Richard, that whereas by reason of his ill government, viz. his giving away his goods and possession belonging to his crown, and that to persons unworthy: and his indiscreet squandering the same away otherwise, and to that end imposing, without cause, collections and other grievous burthens on his people, more than they were able to bear: and also innumerable other evils by his assent and command perpetrated; there were by the whole parliament certain prelates, and others, temporal lords, elected and assigned, who might with all their power, and at their own charges, faithfully labour about the just government of the realm: yet the king causing a conventicle to be held by him, with his accomplices, the said lords, as well spiritual as temporal, so occupied about the safety and profit of the kingdom, did propose to impeach of high treason; and did violently draw the judges of the kingdom, for fear of death and corporal tortures, to such his wicked purpose, most vigorously striving to destroy the said lords.—2. The said king lately at Shrewsbury, caused several, and the greater part of the judges, to come before him and his favourites privately in a chamber, and by menaces, and various terrors, and such affrightments as might fall even upon men of constant resolutions, did induce, cause, and compel them severally to answer certain questions there propounded, on the behalf of the king; concerning the laws of his kingdom, besides, and against their will, and otherwise than they would have answered, had they been at liberty and unforced. By colour of which answers, the said king purposed to have proceeded afterwards to the destruction of Thomas duke of Gloucester, and the earls of Arundel and Warwick, and other lords, against whose deeds and behaviour the said king was much incensed, chiefly because they desired the said king to be under good guidance; but Providence withstanding it, by the resistance and power of the said lords, the

king was not able to bring such his design to effect.—3. When the lords temporal defending themselves, had withstood his malice and fraud, and the said king had prefixed a day for holding his parliament to do them and other inhabitants of the realm, justice in that behalf, and the said temporal lords were quietly and peaceably gone home, and at rest in their houses, in hope and confidence of the said parliament, the king secretly sent the duke of Ireland with his letters and standard towards Chester, and there gathered multitudes in arms, and caused them to rise against the said lords, the nobles of the kingdom, and servants of the state, publicly erecting his standard against the peace which he had sworn to keep. From whence slaughters of men, captivities, dissentions, and other infinite mischiefs, did ensue throughout the whole kingdom; by which act he became guilty of perjury.—4. Although the said king had in full parliament and by the assent thereof, pardoned the said duke of Gloucester, and earls of Arundel and Warwick, and all their assistants, and others, all offences; and had for many years shewn signs of peace and love, to the said duke and earls, and to the rest appeared with a pleasant and benign countenance. Yet the said king always and continually bearing gall in his heart, did at last, taking an opportunity, cause the said duke of Gloucester, the uncle of him, the said king, and also the son of Edward the late king of England, of happy memory, and constable of England, then humbly going to meet the said king, in solemn procession; and the said earls of Arundel, and Warwick, to be taken and arrested; and him the said duke out of the kingdom of England, to the town of Calais, did cause to be led, and there imprisoned, and under the custody of the earl of Nottingham, one of the appellors of the said duke, detained, and without answer, or any lawful process whatsoever, did inhumanly and cruelly cause to be suffocated, strangled, and murdered. And the earl of Arundel, though he pleaded as well the general pardon, as a pardon afterwards to him specially granted, and desired justice to be done him, yet in his parliament encompassed with armed men, and innumerable archers of the people by him gathered to that purpose by pressing, did damnably cause to be beheaded. And the earl of Warwick, and lord Cobham, did commit to perpetual imprisonment; wickedly and against justice, and the laws of his kingdom, and his express oath, confiscating their lands and tenements, as well fee-simple, as fee-tail, from them and their heirs, and giving the same to their appellors.—5. At the same time, that the king in his parliament caused the duke of Gloucester, and earls of Arundel and Warwick, to be adjudged, that he might more freely exercise his cruelty upon them, and accomplish his injurious will in other matters, he gathered to himself a great multitude of malefactors of the county of Chester; of whom some passing with the king through the kingdom, as well within the king's palace as without, did cruelly kill the liege subjects of the kingdom, and some they beat and wounded, and did plunder the goods of the people, and refuse to pay for their victuals, and did ravish and violate their wives, and other women; and though there were grievous complaints, of such their excesses, brought to the hearing of the said king, yet the said king did not regard to cause justice to be done, or any remedy thereupon, but did favour the said troops in such their evil-doings, trusting in them and their guard, against all others of his kingdom; for which cause, the faithful people of his kingdom had great matter of commotion and indignation.—6. Although the said king by his writs, caused proclamation to be made throughout the whole kingdom, that he had caused his uncle the duke of Gloucester, and the earls of Arundel and Warwick, to be taken and arrested, not for any assemblings or troopings by them formerly made within the kingdom of England, but for very many extortions, oppressions, and other things by them afterwards done, and perpetrated, against his royalty, and kingly majesty; and that it was not his intention, that any of the family of the said duke, and earls, or of their followers at the time of such assembling, and trooping, should for that occasion be molested, or aggrieved; yet the said king, at last, in his parliament, did not impeach the said lords for extortions, oppressions, or any such matters, but for the assemblings and troopings aforesaid did adjudge them to death; and very many of the family of the said lords, and others, who were following them at the time of such their assembling, and trooping, he did, for fear of death, force to make fine and ransom, as traitors or rebels, to the great destruction of a great number of his people. And so he did subtlely, fraudulently, and maliciously deceive the said lords, and their domestics, and the people of his kingdom.—7. After very many of those persons so making fine and ransom, had obtained of the king his letters patent of full pardon in the premises, they could not reap any commodity by such letters of pardon, till they had made new fines, and ransoms, for saving of their life, whereby very many were impoverished; which was a great derogation and dishonour to the name and state of a king.—8. In the last parliament held at Shrewsbury, the said king purposing to oppress his people, subtlely procured, and caused it to be granted, "that the power of the parliament by the consent of the states of this kingdom, should remain in certain persons, to determine, after the dissolution of the parliament, certain petitions in the said parliament exhibited, but then not dispatched." By colour of which grant, the persons so deputed proceeded to other things generally touching that parliament. And this with the will of the king; in derogation of the state of parliament and the great damage of the whole kingdom, and pernicious example. And that they might seem to have some colour and authority for such their doings, the king caused the Parliament Rolls to be altered and blotted at his pleasure, against the effect of the said grant.—9. Notwithstanding

the said king at his coronation had sworn, "that in all his judgments, he would cause to be done equal and right justice and discretion, in mercy and truth, according to his power;" yet the said king, rigorously, without all mercy, did, amongst other things, ordain, under grievous penalties, that none should sue for any favour, or intercede with the said king, for Henry duke of Lancaster being banished, whereby the said king did act against the bond of charity, rashly violating his oath aforesaid.—10. Although the crown of the kingdom of England, and the rights of the said crown, and the kingdom itself, have in all time past been so free, that our lord the pope, nor any other without the kingdom, ought to concern himself about the same; yet the aforesaid king, for the corroboration of such his erroneous statutes, did make supplication to our lord the pope, that he would confirm the statutes ordained in his last parliament; whereupon our lord the pope granted his Apostolic Letters, in which grievous censures are denounced against any that should presume in any thing to act contrary to the said statutes; all which are well known to tend against the crown and royal dignity, and against the statutes and liberties of the said kingdom.—11. Although the lord Henry, now duke of Lancaster, by the king's command, had preferred his bill touching the "State and Honour of the King" against the duke of Norfolk, and the same had duly prosecuted; so that, according to the king's order, he had exhibited himself in all points prepared for the combat; and the said king had declared, that the said duke of Lancaster had honourably performed his devoir as much as in him lay; and this by a decree publickly proclaimed before all the people assembled at the said combat: yet the said king, without any legal reason whatsoever, did cause and command the said duke to be banished for ten years, against all justice, and the laws and customs of this kingdom, and the law of war in that behalf, thereby damnably incurring perjury.—12. After the said king had graciously granted by his letters patent, to the lord Henry, now duke of Lancaster, that in his absence, whilst he was banished, his general attornies might prosecute for livery to him to be made of all manner of inheritance or successions belonging unto him; and that his homage should be respited, paying a certain reasonable fine; he injuriously did revoke the said letters patent, against the laws of the land, thereby incurring the crime of perjury.—13. Notwithstanding that it was enacted, that every year the officers of the king, with his justices, and others of the king's council, should choose sheriffs for all the counties of England, and name them to our lord the king, according as to their discretion and conscience should seem expedient, for the good and utility of the kingdom, the said king hath caused persons to be made sheriffs, not so nominated or elected; but others, according to the caprices of his pleasure, sometimes his favourites or creatures, and sometimes such as he knew would not oppose his humour, for his own and others private advantage, to the great grievance of his people, and against the laws of his kingdom, thereby notoriously incurring perjury.—14. At such time as the aforesaid king requested, and had of very many lords and others of his kingdom, divers sums of money by way of loan, to be paid against a certain term, notwithstanding the said king faithfully promised by his several letters patent to the several persons of whom he borrowed the said monies, that at the term limited as aforesaid, he would repay the same; yet he did not fulfil such his promise, nor are they yet satisfied the said monies, whereby such creditors are much aggrieved; and not only they, but many others of the kingdom, repute the king unfaithful.—15. Whereas the king of England, by the revenue of his kingdom, and the patrimony belonging to his crown, is able to live honestly, without the oppression of his people, as long as the kingdom is not burdened with the charge of wars; yet the said king, in a manner, for his whole time, during the truces between the kingdom of England and its adversaries, hath not only given away a great, yea indeed the greatest part of the said patrimony, and this to unworthy persons; but also hath further imposed on his subjects so many burdens of money granted, as it were, every year of his reign, that thereby he hath extremely and too excessively oppressed his people, to the impoverishment of his kingdom; not converting the goods so levied to the commodity and profit of the kingdom of England, but prodigally squandering it away for the ostentation of his name, and in pomp and vain-glory; whilst great sums of money are owing in his kingdom, for the victuals of his household, and other things bought, though he hath abounded with riches and treasures more than any of his progenitors.—16. The said king, not willing to keep or protect the just laws and customs of his kingdom, but according to his arbitrary will to do whatsoever should occur to his desires; sometimes, and very often, when the laws of his kingdom have been expounded and declared to him by the judges and others of his council, and that they have desired that he would do justice according to those laws, hath expressly and with an angry and haughty countenance said, "that his laws were in his mouth," and sometimes, "that they were in his breast," and that "he himself alone could make and change the laws of his kingdom." and being seduced with that opinion, did not suffer justice to be done to very many of his liege people, but by threats and terrors hath forced very many to cease from the prosecution of common justice. 17. That after certain statutes had been made in parliament, which always bind till they are specially revoked by the authority of another parliament, the said king, desiring to enjoy such liberty that no such statutes should so bind him, but that he might do and execute his pleasure, subtilly procured a

petition to be preferred in parliament on behalf of the commonalty of his kingdom, and to be granted to him in general, "that he might be as free as any of his progenitors were before him." By colour of which petition and concession, the said king hath very often commanded very many things to be done against such statutes unrepealed; acting therein expressly and knowingly against his oath taken in coronation, as aforesaid.—18. Although it was enacted and ordained, that no sheriff should hold his office above one year together, but that 3 years should pass before he should be again admitted to that office; the said king Rd. sometimes for his own single commodity, and sometimes at the instance of others for their advantage, hath permitted and caused certain sheriffs to stand and remain continually in thei offices, sometimes two, sometimes three years, against the tenor and effect of the statute aforesaid, thereby incurring perjury; and this is notorious, public, and generally ill spoken of.—19. Although by the statute and custom of his realm, in the calling together of every parliament, his people in the several counties of the kingdom ought to be free in choosing and deputing two knights to be present in such parliament, for each respective county, and to declare their grievances, and to prosecute such remedies thereupon, as to them shall seem expedient; yet the aforesaid king, that in his parliaments he might be able more freely to accomplish the effects of his head-strong will, did very often direct his commands to his sheriffs, that they should cause to come to his parliaments, as knights of the shire, certain persons by the said king named; which knights, being his favourites, he might lead, as often he had done, sometimes by various menaces and terrors, and sometimes by gifts, to consent to those things as were prejudicial to the kingdom, and exceedingly burdensome to the people; and especially to grant to the said king a subsidy on wool for the "term of his life," and another subsidy for certain years, thereby too grievously oppressing his people.—20. The said king, that he might more freely fulfil and follow in every thing his own arbitrary will, did unlawfully cause and command, that the sheriffs, throughout his whole realm, besides their ancient accustomed oath, should swear that they would obey all his commands, as often as they should be directed to them, under his great and privy seal, and also his letters under his signet; and that in case the said sheriffs should come to know that any within their bailiwicks, of whatsoever condition they were, had publicly or secretly said or spoken any ill, that might tend to the disgrace or scandal of his royal person, they should arrest and imprison them, there safely to be kept till they should receive command from the king to the contrary, as may be found in the record; which fact may probably tend to the destruction of many of the liege people of the said kingdom.—21. The said king, striving to trample under foot his people, and subtlely to acquire their goods to himself, that he might abound in superfluous riches, did cause the people of seventeen counties of the realm to submit themselves to the king as traitors, by letters under their seals; by colour whereof he got mighty sums of money to be granted him, by the clergy and people of those counties, for obtaining his royal good-will and favour: and though, to please the people, the king had caused those obligatory letters to be restored; yet the procurators of the people, having full power granted them to oblige themselves and their heirs to the said king; he, the said king, caused them under their seals, to be bound to him in the name of the said people; and so deceived his people, and subtlely extorted from them their goods.—22. Although the said king, at his coronation, had sworn to keep the liberties granted to the Church of England; yet the said king, by reason of his voyage into Ireland, did by his letters command very many religious persons, viz. abbots and priors of his kingdom, strictly requiring that some of them should send to him certain horses; and some of them not only horses, but also waggons and carriages for his said voyage, or in lieu thereof great sums of money in the said letters expressed: by which manner of writing, he forced many of such religious out of fear to fulfil his will and command; whereby they were heavily impoverished and oppressed, in manifest derogation of ecclesiastical liberty; by which pretext the said king did incur perjury.—23. In most of the great royal councils, when the lords of the realm, the judges and others, being charged that they would faithfully counsel the king in matters relating to his state and that of his kingdom; the said lords, justices, and others, very often in giving counsel, according to their best discretion, have been by the king suddenly and so fiercely chidden and reproved, that they have not dared to speak the truth, in giving their advice for the state of the king and kingdom.—24. The treasure, crowns, reliques, and other jewels, viz. the goods of the kingdom, which time out of mind have been reposited in the treasury of the kingdom, for the honour of the king, and preservation of his kingdom against any sudden event or exigency; the said king going out of his kingdom into Ireland, did take away, and caused the same to be carried with him "without the consent of the states of the kingdom:" whereby this kingdom had been vastly impoverished, if God by the retaking of the said goods against the said king's will had not otherwise provided. And furthermore the said king did cause the Rolls of Records touching the state and government of his kingdom to be destroyed and rased, to the great prejudice of his people, and disinheriting of the crown of the said kingdom: and all this, as it is probably believed, in favour and support of his evil governance.—25. The said king was wont, as it were perpetually, to be so variable and dissembling in his words and writings, and so contrary to himself, and especially in writing to the pope, and to kings, and other lords out of the kingdom, and within it,

and also to others his subjects, that no man living that knew his conditions could or would confide in him; nay, he was reputed so unfaithful and unconstant, that it became scandalous not only to his own person, but also to the whole kingdom, and especially amongst foreigners of all the world who came to know the same.—26. Although the lands and tenements, the goods and chattels of every freeman, by the laws of the realm used from all time heretofore, ought not to be taken from him, unless they be forfeited: yet the said king purposing and longing to weaken such laws, in the presence of very many lords, and others of the commonalty of the kingdom, hath frequently said and affirmed, "That the life of every one of his subjects, and his lands, tenements, goods, and chattels, are his, the said king's, at his will and pleasure, without any forfeiture."—Which is utterly against the laws and customs of the kingdom aforesaid.—27. Although it was enacted and ordained, and is hitherto confirmed, that no freeman shall be taken, nor any way destroyed; and that the king shall not pass, nor send any to pass upon him, but by the lawful judgment of his peers, or by the laws of the land: yet by the will, command and order of the said king, very many of his liege people being maliciously accused for having publicly or secretly said something that might tend to the dispraise, scandal, or disgrace of the person of the said king, have been taken and imprisoned, and brought before the constable and marshal of England in the court military, in which court the said liege people being accused would not be admitted to make any other answer, than that they were no way guilty, and would justify the same, and defend themselves by their bodies, and not otherwise; notwithstanding their appellors were young men, stout and lusty, and those so accused, ancient and impotent, maimed or infirm; whereby not only destruction of the lords and grandees of the kingdom, but also of all and singular persons of the commonalty of the same may probably ensue: since therefore the said king hath wilfully acted contrary to such a statute of this kingdom, 'tis not to be doubted but he hath thereby incurred the crime of perjury.—28. Although the people of the realm of England, by virtue of their legiance, are fully enough bound to their king; and the said king, by the laws and customs of his kingdom, is enabled to correct and punish his people, if in any kind they transgress; yet the said king desiring to trample on, and too much oppress his people, that he might the more freely execute and follow the humour of his foolish and unlawful will, by his letters to all the counties of his kingdom, did enjoin and command, that all his subjects, as well spiritual as temporal, should take certain oaths in general, which were too grievous to them, and which might probably cause the final destruction of his people; and that they should confirm such their oaths under their letters and seals. To which royal command, the people of his kingdom did submit and pay obedience, that they might not incur his indignation or displeasure, and also for fear of death.—29. When parties contending in the ecclesiastical court in causes merely ecclesiastical and spiritual, had endeavoured to obtain from the chancellor of England, prohibitions to hinder the lawful process in the said courts, and the said chancellor had justly refused to grant the same: yet the said king by letters under his signet, has frequently prohibited the ecclesiastical judges to proceed in such causes, thereby evilly infringing the liberties of the church in the Grand Charter approved, to the conservation whereof he was sworn, and damnably incurring perjury, and the sentence of excommunication against such violaters thereof by the holy fathers pronounced.—30. The said king without any reasonable or lawful cause whatsoever, or any other process of law, did in his parliament encompassed in warlike manner by armed men, adjudge Thomas of Arundel, lord archbishop of Canterbury, (primate of all England, his spiritual father, absenting himself by the treacherous counsel of the said king) to banishment, against the laws of his kingdom, so by him sworn to as aforesaid.—31. By inspection of the testament of the said king, sealed with the great and privy seal, and also with his signet, among other things there is contained this clause or article. "Item, we will that the residue of our gold, (the true debts of our household, chamber and wardrobe, being paid, for payment whereof we bequeath 20,000 marks, reserving to our executors, 5 or 6000 marks; which we will by them to be expended towards the more plentiful maintenance of the lepers, and chaplains, to celebrate before them, by us founded at Westminster and Bermondsey,) shall remain to our successor, provided always that he approve, ratify and confirm, and hold, and cause to be holden, and firmly observed, all and singular the statutes, ordinances, and judgments, made, given, and rendered in our parliament begun at Westminster the 17th of Sept. in the 21st year of our reign, and in the same parliament continued at Shrewsbury, and there holden; and also all the ordinances, judgments, and establishments, of the 16th Sept. in the 22d of our reign, at Coventry; and afterwards at Westminster, the 8th of March, in the year aforesaid, by the authority of the said parliament, and likewise all other ordinances and judgments, which shall hereafter happen to be made by authority of the said parliament. But otherwise, if our said successor shall refuse to perform the premises, (which we do not believe) then we will that Thomas duke of Surrey, Edward duke of Albemarle, John duke of Exeter, and William le Scroop earl of Wiltshire, paying first the debts of our household, our chamber, and our wardrobe, and reserving 5 or 6000 marks, as aforesaid, shall have and hold all the said residue abovementioned; for to support and defend the said statutes, establishments, ordinances and judgments, to their utmost power, even unto death, if it be neces-

sary; upon all which, and every part, we do hereby charge and burden their consciences as they will answer in the day of judgment." By which article it may evidently enough appear, that the said king did obstinately strive to maintain and defend those statutes and ordinances, which are erroneous and unjust, and repugnant to all law and reason. And this not only during his life, but after his death too; neither regarding the peril of his own soul, nor yet the utter destruction of his said kingdom or liege people.—32. In the 11th year of the said king Richard he the said king, in the chapel of his manor of Langley, in the presence of the dukes of Lancaster and York, and very many other lords, desiring, as it hath appeared, that his uncle the duke of Gloucester, then there present, should fully confide in the good will of him the said king; did voluntarily and of his own accord, swear before the venerable Sacrament of the Lord's body there placed, upon the altar, that thenceforwards he would never endamage, trouble, or grieve him, the said duke of Gloucester, for any of his deeds which were said to have been committed against the person of him the said king, but did cheerfully and totally forgive him all his offences, if any were. Yet afterwards, notwithstanding such oath, the said king did horribly and cruelly cause the said duke to be murdered, for such the before pretended offences, thereby incurring the guilt of damnable perjury.—33. After one of the knights of the shires of the said kingdom, having a voice in parliament, had impeached the said Thomas archbishop of Canterbury, upon certain defaults, committed against the king's majesty, as was untruly suggested; and the said archbishop presently then and there offered himself ready to answer the matters charged upon him; and desired that he might be thereunto admitted by the king, not doubting, as he said, but he should be able sufficiently to shew his innocence: yet the said king, contriving by all the ways and means he could, to oppress the said archbishop of Canterbury, and ruin his estate, as the event of the matter has declared, speaking graciously, and with a chearful countenance, to the said archbishop, from his royal seat, did advise, and very earnestly request him, that at that time, he would hold his peace, and expect a better and more fit time to make his defence; which day being passed, the said king from day to day, for five days or more, did fraudulently and treacherously deceive the said archbishop, counselling him, and persuading him, that he should not come to the parliament but wait at home without any fear; because, as the said king faithfully did promise him, there should not in his absence any loss or prejudice be done or happen to him. Notwithstanding all which, the said king, in his parliament aforesaid, did in the mean time, adjudge the said archbishop to be banished, during the king's pleasure, though absent, and never any way called to answer, and without any reasonable cause whatsoever; and also voluntarily, against the laws of the kingdom and all justice, confiscated all his goods, whereby he likewise became guilty of perjury. But furthermore, the said king being willing to palliate his malice and subtilty, by flattering discourses which he oftimes had with the said archbishop, did endeavour to clear himself of such injury done, and make as if it were the doings of others; insomuch that the archbishop discoursing with the king, and with the duke of Norfolk, and other lords, and great men of the kingdom; happened to say, by way of lamenting his own condition, "That he was not the first that had suffered banishment, nor should he be the last; for he thought in a short time the duke of Norfolk, and other lords would follow him; and confidently averred to the king, that all the rigour of these proceedings would finally be returned back on his own head." To which the said king, as astonished, hastily replied, "That he verily thought it might so happen; and that he himself might and indeed ought to be expelled his kingdom by his liege people." And further, the said king said, "That if the same should happen, he would convey himself to the same place, where the said archbishop should be." And that the archbishop might the rather credit his words, he shewed him a certain great jewel, curiously formed, underneath the skirt of his outward vestment; intimating for certain, to the said archbishop, that whenever he should send that jewel for a token, he would not delay to come thither, where the said archbishop should be resident: and that the said archbishop might more confide in him, the said king sent to him, advising him, that he should privately send all his jewels, and other things of value, belonging to his chapel, unto him the said king, for the safe keeping thereof; lest by colour of the before-mentioned judgment, any one should wrongfully seize the same. Which, under the greatest confidence in the world, being done, the said king caused him to reposite the said goods in certain coffers; and the said coffers to be locked up, and sealed by one of the archbishop's clerks; and keeping the said coffers by him, returned the keys thereof by the said clerk to the archbishop: yet afterwards, unknown to the said archbishop caused the said coffers to be broken open, and disposed of the goods therein, at his will and pleasure. Furthermore, the said king faithfully promised the said archbishop that if he would but repair to the port of Hampton, in order to go out of the realm, he would at last, by the intercession of the queen, get him recalled. And if it should happen, that he the said archbishop should go out of the realm, he should without fail return into England, before Easter next following; nor should in any kind lose his archbishopric: and this he faithfully promised, swearing upon the cross of the late martyr St. Thomas, archbishop of Canterbury, by him the said king corporally touched: all which promises notwithstanding, the said king forced the said archbishop to de-

part the realm; and forthwith transmitted special letters to the apostolical see, to have him translated. And so, and by other frauds, and deceitful tricks of the said king, the said archbishop being a well-meaning believing man, was subtilly circumvented."

Sentence of Deposition passed upon Richard 2.

After the recital of the foregoing Articles, the Record proceeds thus; "And because it seemed to all the estates of the realm, being asked their judgments thereupon, as well severally as jointly; that these causes of crimes and defaults were sufficient and notorious to depose the said king; considering also his own confession of his insufficiency, and other things contained in his said renunciation and cession, openly delivered; all the said states did unanimously consent, that *ex abundanti*, they should proceed unto a deposition of the said king for the greater security and tranquillity of the people, and benefit of the kingdom. Whereupon the said states and commons unanimously constituted, and publicly deputed certain commissioners, viz. the bishop of saint Asaph, the abbot of Glastonbury, the earl of Gloucester, the lord Berkeley, sir Thomas Erpyngham, and sir Thomas Grey, knights, and sir William Thirnyng, one of the justices, to pass such sentence of deposition; and to depose the said king Richard, from all kingly dignity, majesty, and honour, on the behalf and in the name, and by the authority of all the said states, as in like cases, from the ancient custom of the said kingdom had been observed. and forthwith the said commissioners taking upon themselves the burthen of the said commission, and sitting on a tribunal before the said royal chair of state, having first had some debate of the matter, did on the behalf, and in the name, and by the authority aforesaid, pass the said Sentence of Deposition, being reduced into writing; and caused such their sentence to be read and recited by the said bishop of Saint Asaph, their colleague, by the will and command of the rest of the said commissioners, in these words:—"In the name of God, amen. We John bishop of saint Asaph, John abbot of Glastonbury, Thomas earl of Gloucester, Thomas lord Berkeley, Thomas de Erpyngham, and Thomas Grey, knights, and William Thirnyng justice, commissioners specially deputed to the matters under-written, by the peers and lords spiritual and temporal of the kingdom of England, and the commons of the said kingdom, representing all the estates of the said realm, sitting in tribunal: and having considered the multiplied perjuries, cruelty, and very many other crimes of the said Richard, touching his government committed and perpetrated in his kingdoms and dominions aforesaid, during the time of his governance; all of them before the said states, openly and publicly propounded, exhibited, and recited: which have been and are so public, notorious, manifest, and scandalous, that they could not nor can be concealed with denial or excuse. And considering likewise the confession of the said Richard acknowledging and reputing, and truly, and of his own certain knowledge, judging himself to have been and to be utterly insufficient and unmeet for the rule and government of the said kingdoms and dominions, and their appurtenances, and for such his notorious demerits worthy to be deposed; as by him the said Richard was before declared, and by his will and command, published before the said states, and made known and exposed to them in the vulgar tongue; having already had diligent deliberation upon these things and all others, transacted in this affair before the said states and us, we do, on the behalf, and in the name, and by the authority to us in this matter committed, *ex abundanti* and for caution, pronounce, decree, and declare him the said Richard to have been, and to be unfit, unable, and utterly insufficient for, and unworthy of the rule and government of the said kingdoms, and the dominion, and rights, and appurtenances of the same; and for and by reason of the premises, to be deservedly deposed, of and from all royal dignity and honour, if any thing of such dignity and honour were yet remaining in him. And with the same caution we do depose him by this our definitive sentence in writing, expressly forbidding all and singular the lords, archbishops, bishops, and prelates, dukes, marquisses, earls, barons, knights, vassals, and valvasors, and other subjects, and liege people of the said kingdoms and dominion, and other places to the said kingdoms and dominion belonging, that henceforth none of them shall any way obey or regard the said Richard, as king or lord of the said kingdom and dominion.

"Furthermore, the said states willing that nothing should be wanting which might be of value, or ought to be required touching the premises, being severally interrogated thereupon, did constitute the same persons that were before nominated commissioners, to be their procurators, jointly and severally to resign and give back to the said king Richard the homage and fealty to him before made, and to intimate to him, if it should be requisite, all the premises touching such his deposition and renunciation.—And then presently, as soon as it appeared by the premises, and the occasion of them, that the crown of England, with its appurtenances, was vacant; the aforesaid Henry duke of Lancaster rising up from his place, and standing so erected as he might conveniently be seen by the people, and humbly fortifying himself with the sign of the cross on his forehead, and on his breast, having also first called upon the name of Christ, did claim the said kingdom, so vacant as aforesaid, with its crown and all its members and appurtenances; in this form of words in his mother tongue:—'In the name of Fader, 'Son, and Holy Ghost, I Henry of Lancaster, 'chalenge this rewme of Ynglonde, and the 'croun with all the members, and the appurte-'nances, als I that am descendit, be right line 'of the blode, comyng fro the gude lord king 'Henry therde, and thorghe that right that

'God of his grace hath sent mee, with helpe of 'my kyn, and of my frendes to recover it; the 'which rewme was in poynt to be ondone for 'defaut of governance, and undoyng of the 'gude laws.'—After which claim and challenge, as well the lords spiritual as temporal, and all the states there present, being severally and jointly interrogated, what they thought of that claim; the said states with the whole people, without any difficulty or delay, did unanimously consent that the said duke should reign over them. And forthwith, as the said king shewed to the states of the kingdom the signet of king Richard, delivered to him as a token of his will, that he should succeed him as aforesaid; the said archbishop taking the said king Henry by the right hand, led him to the royal chair of state; and after the said king, kneeling down before it, had prayed a little while, the said archbishop of Canterbury, assisted by the archbishop of York, did place the said king, and cause him to sit in the said royal seat; all the people wonderfully shouting for joy. And by and by the said archbishop of Canterbury, having with much ado procured silence from the over-joyed multitude, made a short discourse, or oration in these words:—*Vir dominabitur populo;* 'A man shall reign over my people,' 1 Sam. ix. 17.—These are the words of the King of Kings, speaking to Samuel, and teaching him how a person should be qualified to rule, since the people desired to have a king given. And not unfitly may they be said of our lord the king, whom we behold this day; and if we but intimately consider these words, they afford us matter of great consolation; for God does not threaten us, as he did formerly his people by Isaiah, saying, Isaiah iii. 'I will make children to rule over them.' But according to his compassion, who in his wrath remembereth mercy, he hath visited his people, and now children no more, as heretofore, shall lord it over them; for the Lord saith to them, "a man shall rule." Of the late rules of this kingdom or any of them, one might have fitly said that of the apostle, Cor. xiii. 'I spake as a child, I understood as a child, I thought as a child.' The apostle repeats it thrice. 'As a child I spake, I understood and thought.' As to speech, tis certain that a child is unconstant in speaking, he easily speaks true, and as easily false, is ready in words to promise, but what he promises he presently forgets. Now these are things very inconvenient and dangerous in a king; nor is it possible than any realm shall stand long in happiness where these conditions bear sway. But from such mischiefs a kingdom is freed, whose sceptre is swayed by a man, for it belongs to a man to set a watch before his tongue; and such is our present happiness, over whom not a child, but a man is set, and such an one, as I hope we may say of him, that in Eccles. ix. 'Blessed is the man that hath not erred with his tongue.' Then saith the apostle, 'I understood as a child:' now a child relishes nothing but flatteries and pleasing things, and understands only baubles and trifles, and loves not one that argues according to truth, yea indeed hates him beyond all measure. But heretofore amongst us truth was trampled under foot, so that none durst speak it; and therefore tis plain and apparent enough, that he, that then reigned understood as a child. For a man is not addicted to such things, but understands wisdom, so that by the grace of God it may be said of him, as it is written Eccles. ix. 'Blessed is the man that abideth in wisdom.' For as a child is delighted in vanity, so a man has regard to truth and wisdom. Truth therefore shall enter and vanity depart, which has done so much mischief in our nation; for now a man shall rule, who seeks after truth, and not vanity or flattery. Thirdly, it is said, I thought as a child, for a child thinks and studies only how to have his humour and do things according to his own will, and not according to reason; therefore when a child reigns, there only self-will reign, and reason is banished, and constancy is put to flight, and great danger ensues; from which danger we are delivered, for a man shall rule over us; to wit, one that speaks not like a child; but thus as one that has the perfection of reason.—'I come not to do my own will, but the will of him that sent me;' to wit, of God; and therefore of such a man we will say not only that he will abide in wisdom, but also that as a man, not a child, he will meditate on the circumspection of God; that is, he will every way diligently observe that God's will, not his own, be done; and so in the stead of a child wantoning in foolish stubborn humours, a man shall reign, and such a man that it shall be said of him—a king shall reign in wisdom, and he shall execute judgment, and do justice in the earth."

Henry's Declaration of Thanks.

Which harangue being ended, the said lord king Henry, to appease the minds of his subjects, did then and there utter these words:

"Sirs, I thank God and zowe spiritual and temporal, and all the states of the lond, and do zowe to wyte, it es noght my will that no man thynke that be way of conquest I wold disherit any man of his heritage, franches, or other ryghts that hym oght to have, no put hym out of that that he has, and has had by the gude laws and customs of the rewme: except those persons that has been agan the gude purpose and the commune profit of the rewme."

And forthwith considering, that by the former vacancy of the royal throne, by the Cession and Deposition aforesaid, all power of justices, sheriffs, and other officers, throughout the kingdom, was ceased: therefore, to the end that there might be no failure nor delay in the administration of justice, to the grievance of the people, he caused principal officers and justices to be made and sworn to him with the usual oaths. And it was immediately proclaimed by the king's command, that on Monday next, after the said feast of St. Michael, a parliament should be held. And that

on the Monday following, should be the coronation of the said king at Westminster, and that all those that could claim any service in the said coronation should come to the White-hall of the palace, before the steward, constable, and marshal of England, on Saturday next, before the day of the said parliament to make their just demands in that behalf, and receive right therein. But as for the shortening the day assigned to the parliament there was a Protestation made by the king, 'That it was not his intent that thereby any prejudice should be brought upon the states of his kingdom; nor that the same for the future should be drawn into example; but that such abbreviation of time was only made for the benefit and profit of the kingdom, and especially to save the labour and expences of several of his people, and that the grievances of the people might be the sooner remedied.' After which the king arising from his royal throne, and beholding the people with a cheerful and benign countenance, retired himself from thence, all the people rejoicing. And the same day, in the Whitehall aforesaid, made a solemn feast to the nobles and gentry, there in a vast multitude assembled.

Sir William Thirnyng's Account of the Conversation with Richard in the Tower.

And afterwards, viz. on Wednesday next following, the before-named Procurators so deputed as aforesaid, did, according as they were commanded, repair into the presence of the said late king Richard, being within the Tower aforesaid; and the said sir William Thirnyng the justice, for himself and his companions and fellow procurators, in the name of all the states and people aforesaid, did notify and fully declare unto the said Richard, their admission of his said Renunciation, and the manner, cause, and form of such sentence of Deposition, and presently did resign and give back to the said late king Richard, the homage and fealty formerly to him made as aforesaid. With these words:—

"The Words which William Thirnyng spake to monsire Richard, late king of England, at the Tower of London, in his chamber, on Wednesday next after the feast of St. Michael the Archangel, were as follow:

"Sire, it is wele know to zou, that ther was a parlement somon'd of all the states of the reaume for to be at Westmystre, and to begin on the Tuesday in the morn of the fest of St. Michel the Archangel, that was zesterday; by cause of the which summons all the states of this lond were there gadyr'd, the which states hole made thes same persones that ben comen here to zowe now, her procurators, and gaven hem full autorite and power, and charged hem for to say the words that we shall say to zowe in her name, and on their behalve; that is to wytten, the bishop of Seint Assa for ersbishoppes and bishoppes, the abbot of Glastenbury for abbots and priours, and all other men of holy chirche, seculers and rewelers, the earle of Gloucestre for dukes and erls, the lord of Berkeley for barons and banerettes, sir Thomas Irpyngham, chamberleyn, for all the bachilers and commons of this lond be south; sir Thomas Grey for all the bachilers and commons by north, and my felawe Johan Markham and me for to come with hem for all thes states. And so, sire, these words, and the doing that we shall say to zowe, is not onlych our wordes but the doyngs of all the states of this lond, and our charge in her name.—And he answered and said, that he wyste wele that he wold noght say but as we were charged.—Sire, ze remembre zowe wele that on Moneday in the fest of Seint Michel the archaungel, ryght here in this chamber, and in what presence ze renounced and cessed of the state of kynge and of lordeship, and of all the dignite and wyrship that longed thereto, and assoiled all zour leiges of her leigance and obeisance that longed to zowe uppe the fourme that is contened in the same renunciation and cession,' which ze redde zour self by zour mouth, and affermed it by zour othe, and by zour owne writing. Upon which ze made and ordeined your procurators the ersbishop of Zork and the bishop of Hereford for to notifie and declare in zour name thes renunciation and cession at Westmynstre to all the states, and all the people that was there gadyr'd, bycause of the summons aforesaid, the which thus don yesterday by thes lords zour procuratours, and wele herde and understouden, thes renunciation and cession were plenelich and frelich accepted, and fullich agreed by all the states and people aforesaid. And over this, sire, at the instance of all thes states and people, there ware certain articles of defautes in zour governance zedde there, and tho wele herd and pleinelich understouden to all the states foresaid, hem thoght hem so trewe, and so notorie, and knowen, that by tho causes and by no other, as thei sayd, and havyng consideration to zour own wordes in zour own renunciation and cession, that ze were not worthy, no sufficient ne able for to governe, for zour owne demerites, as it is more pleinelich contened therein; hem thoght that was resonable and cause for to depose zowe, and her commissaries that they made and ordein'd, os it is of record, ther declared and decreed and adjudged zow for to be deposed, and pryved zowe of the astate of king, and of the lordeship conteined in the renunciation and cession forsayd, and of all the dignite and wyrshippe, and of all the administration that longed thereto. And we procurators to all thes states and people forsayd os we be charged by hem, and by her autorite gyffen us, and in her name zelde zow uppe for all the states and people forsayd, homage, leige and feaute, and all leigeance, and all other bondes, charges, and services thar long thereto, and that non of all thes states and people fro thys tyme forward ne bere zowe feyth, ne do zowe obeisance os to that king.—And he answered and seyd, that he loked not ther after, but he seyd, that after all this he hoped that is cosyn wolde be gude lord to hym."

Richard's Speech to the Committee.

So far the Record. Sir John Hayward tells us that when the committee appointed to receive Richard's resignation assembled at the Tower for that purpose, the day before the parliament was to begin, the unhappy monarch was brought forth, apparelled in his royal robe, the diadem on his head and the scepter in his hand; and was placed amongst them in a chair of state. He adds, that after a little pause and expectation, the king arose from his seat, and spake to the assembly these words, or the very like in effect:

"I assure myself that some at this present, and many hereafter, will account my case lamentable; either that I have deserved this dejection, if it be just; or if it be wrongful, that I could not avoid it. Indeed I do confess, that many times I have shewed myself both less provident and less painful for the benefit of the commonwealth, than I should, or might, or intended to do hereafter; and have in many actions more respected the satisfying of my own particular humour, than either justice to some private persons, or the common good of all; yet I did not at any time either omit duty or commit grievance, upon natural dulness or set malice; but partly by abuse of corrupt counsellors, partly by error of my youthful judgment. And now the remembrance of these oversights is so unpleasant to no man as to myself; and the rather because I have no means left, either to recompence the injuries which I have done, or to testify to the world my reformed affections, which experience and stayedness of years had already corrected, and would daily have framed to more perfection. But whether all the imputations wherewith I am charged be true, either in substance, or in such quality as they are laid; or whether, being true, they be so heinous as to enforce these extremities; or whether any other prince, especially in the heat of youth, and in the space of 22 years, the time of my unfortunate reign, doth not sometimes, either for advantage, or upon displeasure, in as deep manner grieve some particular subject, I will not now examine: it helpeth not to use defence, neither booteth it to make complaint; there is no place left for the one, nor pity for the other: and therefore I refer it to the judgment of God, and your less distempered considerations. I accuse no man, I blame no fortune, I complain of nothing; I have no pleasure in such vain and needless comforts; and if I listed to have stood upon terms, I know I have great favourers abroad; and some friends, I hope, at home, who would have been ready, yea forward on my behalf, to set up a bloody and doubtful war; but I esteem not my dignity at so high a price, as the hazard of so great valour, the spilling of so much English blood, and the spoil and waste of so flourishing a realm, as thereby might have been occasioned. Therefore, that the commonwealth may rather rise by my fall, than I stand by the ruin thereof, I willingly yield to your desires; and am here come to dispossess myself of all public authority and title, and to make it free and lawful for you to create for your king, Henry duke of Lancaster, my cousin german, whom I know to be as worthy to take that place, as I see you willing to give it to him."

Richard's Imprisonment and Death.

A very important affair still remained, concerning which the king was desirous to have the advice of the parliament before they broke up. The commons, not satisfied with the bare deposing of Richard, after a very irregular manner, would have had him tried in form, and petitioned the king for that purpose. (*a*) It was therefore to know how Richard was to be disposed of, that the king wanted the advice of the two houses. The archbishop of Canterbury, who was charged with his orders, having exacted an oath of secrecy from all the members, made the first motion. It may well be thought that Richard had not many friends in the house, and if any disapproved of the proceedings against him, they were too much awed to venture to speak in his behalf. There was one however bold enough to say publicly, what others only thought, namely, Thomas Merks, bishop of Carlisle, who, without regarding the motives which might induce him, as well as the rest of Richard's friends, to keep silence, made a long speech, wherein he alledged every thing that could with any plausibleness be said for the king deposed, and against the king on the throne.—The bishop undertook to prove three things. "First, that there was no authority which could lawfully depose a king of England. Secondly, that the offences Richard was accused of, deserved not deposition, and besides were not proved. Thirdly, that the crown was unjustly adjudged to the duke of Lancaster.—He enlarged very much on the first, showing the great difference between the several kinds of government established in the world. He confessed that in some, the prince or head might be deposed, because the supreme authority was not solely lodged in his person, but the people, or nobles, had a share. Of this sort he reckoned the republics, the ancient government of Rome, the empire of Germany, the kingdoms of Swedeland and Denmark, the earldom of Flanders, and some other states. But he maintained, it was otherwise in the governments where the supreme authority resides in the single person of the sovereign. In this class, he ranked the kingdom of Israel, among the ancients, with the three first empires; and among the moderns, England, France, Spain, Scotland, Muscovy, Turkey, Persia, and in general all the kingdoms of Asia and Africa. With regard to these he alledged, that though the vices of a

(*a*) Hollingshead says, the commons address was to this purpose; that since king Richard had resigned, and was lawfully deposed from his royal dignity, he might have Judgment decreed against him. p. 512.

sovereign should be not only detrimental, but even intolerable to his subjects, he could not be lawfully deposed by any means whatever: that force could not be used, without incurring the crime of rebellion and treason; and much less authority, since there was not in the state any lawful authority but what was derived from him. He produced arguments and precedents from the holy scriptures and prophane authors, which cannot be repeated without being excessively tedious.—Upon the second Article, he boldly asserted, 'That the crimes for which Richard was deposed, were either false or aggravated; that indeed, he might be guilty of some errors or oversights, but his faults could not be styled tyranny: that if his failings afforded just cause to depose him, how many sovereigns would daily be treated as tyrants, and deposed by their subjects? every tax, execution of rebels, in a word, whatever was not relished by the people, would furnish a pretence to dethrone the most lawful prince. He passed over the more slightly the proofs of this second head, as the parliament itself seemed to question the truth of the crimes alledged against Richard, since there was no step taken to prove them in a legal manner. By the way, it is very likely that for fear of this reproach, the commons wanted to proceed in form against the deposed king.—Upon the third Article the bishop maintained, 'that even supposing Richard guilty, and granting the nation had authority to depose him, there was not the least colour of justice to give the crown to the duke of Lancaster. That if the duke was the true heir of Richard, as he pretended, he must wait his death before he could inherit. But that it was known to all there was a nearer heir, whose father was declared successor of Richard by act of parliament.' As for Henry's pretended right from Edmund Crouchback, son of Henry 3, the bishop disdained to consider it, affirming, 'he was very certain, that people of sense were ashamed of a right, built upon so slender a foundation.'—After that the orator proceeded to examine the other two titles contained in the king's proclamation, namely, conquest and Richard's resignation. To the first he said, 'That a subject could never pretend to a right of conquest against his sovereign, since the victory itself was high and heinous treason.' As for the resignation, he said, 'it was not only extorted by force, but supposing it voluntary, could be of no validity: that in Richard's situation, it was not in his power to make a valid act: that besides, since by the laws of the land the king could not alienate the crown jewels, much less surely could he give away the crown itself.' Then he spoke of the general consent of the people, though Henry had not thought proper to insist upon it, 'That the kingdom of England having never been elective, it was ridiculous to ascribe to the people the power of disposing of the crown.' Lastly, he replied to the objection, which might be alledged from the deposing of Edward 2. 'That wise men must be guided by law, and not by examples and precedents. That however, the deposing of Edward 2, was no more to be urged, than the poisoning of king John, or the murder of any other prince: but even in the deposing of Edward 2 care was taken to preserve the rights of the lawful successor.' What the bishop had hitherto said, might pass for reasons to question whether Richard 2, could be lawfully deposed. At most, it might be considered as the private opinion of the speaker. But towards the conclusion of his speech, he launched out strangely against Henry, and expressed a passion very injurious to the reasons he had alledged. He said, 'It was to be feared the people of England would soon find themselves in the case of Æsop's frogs, boldly adding, as long as Richard was alive, the English could not with justice own any other sovereign. In fine, he maintained, that the person whom they called king had committed much more heinous crimes than those for which Richard was deposed: that he had, after his banishment, entered the kingdom, contrary to his oath, and without being legally recalled: that, not content with disturbing the quiet of the land, by an unjust and impious insurrection against his sovereign, he had moreover dispossessed him: that he had also demanded judgment against him, without offering to prove his accusation, or permitting the party accused to make his defence, contrary to the express laws of the realm.' He concluded with saying, 'That if the wrong done Richard was not capable of moving the hearts of the English, at least their common and manifest danger ought to stop the course of these violent proceedings.' *(b)*

This Speech produced not the effect the Speaker expected. It was so unseasonable, that, supposing the majority had been of his mind, it was impossible to recede from what had been done. But most of the members persisted in the same maxims they had followed when Richard was deposed. Accordingly, the bishop reaped no other fruit from his harangue than to be confined in the abbey of Saint Albans, from whence, however, he was shortly released without further punishment *(c)*.—The bishop of Carlisle's opinion being unanimously rejected, the parliament came, with regard to Richard, to a resolution seemingly so extraordinary, that there is some reason to suspect that history is defective in this place. However, all the historians agree, that it was resolved, Richard should be kept in confinement

(b) For the Bishop's Speech at length, see 1 Cobb. Parl. Hist. 274.

(c) He was deprived of his bishoprick, and had the titular see of Samos conferred on him by the pope. Walsin. p. 364. There is a writ for the restitution of the temporalties of the see of Carlisle, to William Styrkland, or Strickland, his successor, dated November 15, this year 1399. See Rymer's Fœd. tom. 8. p. 106.

during life, with a princely allowance: but in case any person should attempt his deliverance, Richard should be the first that should suffer death. If this be true, it cannot be denied that he was really condemned to die, since his life was only granted him on a condition not in his power. Besides, such a condition cannot be annexed to the sentence of a criminal, but on supposition that he is already condemned.

There is some diversity among the historians concerning the manner of Richard's death, though all agree it was unnatural. Some affirm he was starved to death. Others, pretending to be better informed, relate his death with these circumstances. After the troubles were appeased, by the death of the principal conspirators, sir Pyers Exton *(d)* came to Pontefract, with eight attendants. On the day of his arrival, Richard perceived at dinner, that the victuals were not tasted as usual. He asked the reason of the taster, and upon his telling him that Exton had brought an order forth from the king, took up a carved knife, and struck him on the face. Exton coming in, with his eight attendants, at the noise, Richard found he was a lost man, and resolving to sell his life dearly, wrung a pole axe out of one of their hands, and defended himself so bravely, that he slew four of them. But at length, standing accidentally near Exton, who was got upon a chair, the villain discharged such a blow on his head, as laid him dead at his feet. *(e)* Thus died this unfortunate prince, thirty three years old, of which he had reigned twenty-two. *(f)* A melancholy reward for the many signal services his father had done England! he was carried to London in a coffin, with his face uncovered, to be seen of all persons. His funeral was solemnized at Saint Paul's, the king himself being present. After that, he was carried to Langley abbey, and buried *(g)* without any ceremony. Henry 5 ordered his body to be removed to Westminster abbey, and laid among his ancestors *(h)*. Though it was reported all over the kingdom, that he was murdered, no inquiry was made. This neglect confirmed the people in their belief, that the king was not innocent. Indeed, if Richard had died a natural death, it would have been necessary to undeceive the public. But if his life was taken away by violence, it was difficult to do it without the king's knowledge *(i)*.

(d) Called by Rapin, sir Thomas Pyers, but he is not so named, as far as can be found, by any other writer.

(e) This is Fabian's account. Walsingham says, he fasted himself to death for grief, at the miscarriage of the plot, and died on Feb. 14. p. 363. Stow says, he was kept fifteen days together in hunger, thirst, and cold, till he died, p. 325. Polydore Virgil says, he was not suffered to touch or taste the victuals which lay before him. Hector Boethius will have it, that Richard fled in disguise into Scotland, where giving himself up wholly to contemplation, he lived and died, and was buried at Sterling. Perhaps this was true of some counterfeit Richard.

(f) The beautiful picture of a king sighing, crowned in a chair of state, at the upper end of the choir in Saint Peter's, Westminster, is said to be his. Speed, p. 615.

(g) In the church of the Friars preachers at King's Langley, in Hertfordshire. Walsing.

(h) Henry 5 erected for him and his first queen, Anne, a glorious tomb of grey marble on the south side of the chapel of the kings, at the head of Edward 3, upon which lie their portraitures of gilt copper, with a preposterous epitaph in Latin. *(i)* Rapin, 123.

16. Proceedings against JOHN HALL for the Murder of Thomas Duke of Gloucester, 1 Hen. IV. A. D. 1399. [Hollingshed. Cotton. 1 Cobb. Parl. Hist. 283.]

THE last thing which we shall mention in the proceedings of this parliament is some farther enquiry made there in relation to the murder of Thomas duke of Gloucester. Sir John Baggot, then a prisoner in the Tower, was brought to the bar of the house of commons, and examined on the affair of that Murder; who there declared, in a bill, then delivered in, "That it was by the advice and instigation of the duke of Albemarle, that the lords were apprehended by the king, and that the duke of Gloucester was inhumanely murdered at Calais. That the duke of Norfolk did keep the duke of Gloucester alive three weeks against the king's will; but for fear of the king's displeasure, the said duke and himself, with several of the king's servants, went over to Calais, and saw him put to death." After this Declaration was openly read, the duke of Albemarle rose up and said, "That he utterly denied the charge to be true against him, and offered to justify his innocence by combat, in such manner as should be thought requisite." But Baggot, not being at liberty to accept the challenge, the lord Fitz-Walter, and twenty other lords, offered to make it good by their bodies, that he was the cause of the duke of Gloucester's death. The duke of Surrey stood up against the lord Fitz-Walter, and having affirmed that what the duke of Albemarle had done against the duke of Gloucester, was by constraint, he offered to vindicate him by fight; and all their hoods, which they flung down as pledges of their intentions, were delivered to the constable and marshal to be kept. But all these differences the king thought proper to accom-

modate, in a way more politic and more consistent with the exigency of the times, than suffering them to go on to a martial trial. Baggot, in one of his Examinations before the house, mentioned one John Hall, then a prisoner in Newgate, who could say much more than he, relating to the death of the duke of Gloucester. Which Hall, being sent for and examined, confessed the whole matter; whose Examination, Confession, and Sentence passed against him, being on the Rolls, we shall give from sir Robert Cotton's own account of it.

"John Hall, a servant of the duke of Norfolk, being examined by sir Walter Clopton, chief justice, in full parliament, confessed upon his oath, that in the month of September, 21st Richard 2, the duke of Norfolk charged the said John among others, to murder the duke of Gloucester, there being present one John Colfox, an esquire of the said duke of Norfolk; and that they two then being at Calais, went together to Our Ladies church, where they found William Hempsley, esquire, as aforesaid, ——— Bradshaw, esquire, as aforesaid, William Servadlet, of the chamber of the late king Richard, Francis Vadlett, of the chamber of the duke of Albemarle; William Rogers, William Dennice, and ——— Cockle, servants to the said duke of Norfolk; all whom were sworn upon the body of Christ, before one sir William Chaplain, of saint George's, in the church of Our Lady, that they should not disclose the said fact or murder. That after this oath made, they altogether went with the duke of Norfolk, towards the house called the Princes Inn, and when they were come, the said duke of Norfolk caused the persons aforesaid to enter into a lodging within the same house, and so departed. After which John Lovetofte, with sundry other esquires, brought the duke of Gloucester, and delivered him to the said Searl and Francis, in an inner parlour, and said, 'There is Searl and Francis;' whereupon the duke of Gloucester said, 'Now I see I shall do well,' and so asked Searl how the king did? who said, 'well;' and sent to him commendations, and so the said John Lovetofte departed. Whereupon the said Searl and Francis took the said duke of Gloucester into an upper chamber, saying, 'That they would speak with him;' unto whom when they were come there, they said 'That the king's will was, that he should be slain;' the duke answered thereto, 'If it be so it is welcome;' that Searl and Francis willed the duke to take a chaplain, whom the duke there took, and was confessed. After which confession they caused the duke to lye upon a bed, upon whom so lying, the said Searl and Francis threw a feather-bed, the sides whereof the said William Rogers, Dennice, and Cockle of the chamber held; and Searl and Francis lay on the mouth of the said duke until he was dead; Colfox, Hempsley, and Bradshaw, sat that night by the duke on their knees, weeping, and praying for the soul of the said duke; and Hall, this examinant, kept the door until the duke was slain. After the death of which duke, the duke of Norfolk came in, and seeing him dead, said, 'It were a great matter to have the said duke living again.' By whose confession it seemed to the lords, that he the said John Hall, had deserved a grievous death; whereupon they adjudged, by the assent of the king, that the same Hall should be drawn from Tower-Hill to Tyburn, his bowels to be burned before him, his body to be hanged, headed, and quartered, and his head to be sent and set upon Calais, and his quarters at the king's pleasure; and the marshal the same day did execution accordingly."

17. Proceedings against WILLIAM SAUTRE, for Heresy, 2 Hen. IV. A. D. 1400. [1 Fox's Acts and Monum. 671.]

THE next yeere after, 1400, followed a parliament holden at Westminster: in which parliament one William Sautre, a good man and a faithfull priest, inflamed with zeale of true religion, required hee might bee heard for the commodity of the whole realme. But the matter being smelt before by the bishops, they obtained that the matter should bee referred to the conuocation; where the said William Sautre being brought before the bishops and notaries thereunto appointed, the conuocation was deferred to the Saturday next ensuing.—When Saturday was come, that is to say, the twelfth day of Februarie, Thomas Arundell archbishop of Canturburie, in the presence of his councell prouinciall, being assembled in the said Chapter-House, against one sir William Sautre, otherwise called Chatris chaplaine, personally then and there appearing by the commandement of the foresaid archbishop of Canturbury, obiected; that the said sir William before the bishop of Norwich had once renounced and abiured diuers and sundry Conclusions hereticall and erroneous; and that after such abiuration made, he publikely and priuily held, taught, and preached the same conclusions, or else such like, disagreeing to the catholike faith, and to the great perill and pernicious example of others. And after this he caused such like conclusions holden and preached, as is said, by the said sir William without renunciation, then and there to be read vnto the said archbishop, by master Robert Hall, chancellor vnto the said bishop, in a certaine scrole written, in tenor of words as followeth:

"Sir William Chatris, otherwise called Sautre, parish priest of the church saint Scithe the

virgin in London, publikly and priuily doth hold these Conclusions vnder written.—Imprimis, he saith, that he will not worship the crosse on which Christ suffered, but onely Christ that suffered vpon the crosse. 2. Item, that he would sooner worship a temporall king, than the foresaid wooden crosse. 3. Item, that he would rather worship the bodies of the saints, than the very crosse of Christ on which he hung, if it were before him. 4. Item, that he would rather worship a man truly contrite, than the crosse of Christ. 5. Item, that he is bound rather to worship a man that is predestinate, than an angell of God. 6. Item, that if any man would visite the monuments of Peter and Paul, or goe on pilgrimage to the tombe of saint Thomas, or else any whither else, for the obtaining of any temporall benefit; hee is not bound to keepe his vow, but hee may distribute the expences of his vow vpon the almes of the poore. 7. Item, that euery priest and deacon is more bound to preach the word of God, than to say the canonicall houres. 8. Item, that after the pronouncing of the sacramentall words of the bodie of Christ, the bread remaineth of the same nature that it was before, neither doth it cease to be bread."—To which Conclusions or Articles being thus read, the archbishop of Canturbury required the same sir William to answere. And then the said William asked a copie of such articles or conclusions, and a competent space to answere vnto the same. Whereupon the said archbishop commanded a copie of such articles or conclusions to bee deliuered then and there vnto the said sir William, assigning the Thursday then next ensuing to him to deliberate and make answere in. When Thursday the said day of appearance was come, master Nicolas Rishton, auditor of the causes and businesse belonging to the said archbishop (then being in the parliament house at Westminster, otherwise let) continued the said conuocation with all matters rising, depending, and appertinent thereunto, by commandement of the said bishop, vntill the next morrow at eight of the clocke. When the morrow came, being Friday, the foresaid sir William Sautre, in the chapter house before the said bishop and his councell prouinciall then and there assembled, making his personall appearance, exhibited a certain scrole, containing the Answeres vnto certaine articles or conclusions giuen vnto him, as is aforesaid, by the said bishop; and said, that vnto the foresaid archbishop he deliuered the same as his answere in that behalfe, vnder the tenor of such words as follow. "I William Sautre, priest vnworthy, say and answere, that I will not, nor intend not to worship the crosse whereon Christ was crucified, but onely Christ that suffered vpon the crosse; so vnderstanding me, that I will not worship the materiall crosse or the grosse corporall matter: yet notwithstanding I will worship the same as a signe, token, and memoriall of the passion of Christ, *adoratione vicaria*. And that I will rather worship a temporall king, than the foresaid wooden crosse, and the materiall substance of the same. And that I will rather worship the bodies of saints, than the very crosse of Christ whereon he hung: with this addition, that if the very same crosse were afore mee as touching the materiall substance. And also, that I will rather worship a man truely confessed and penitent, than the crosse on which Christ hung as touching the materiall substance.—And that also I am bound, and will rather worship him whom I know to be predestinate, truely confessed and contrite, than an angell of God: for that the one is a man of the same nature with the humanity of Christ, and so is not a blessed angell. Notwithstanding I will worship both of them, according as the will of God is I should.—Also, that if any man hath made a vow to visit the shrines of the apostles Peter and Paul, or to goe on pilgrimage vnto saint Thomas tombe, or any whither else to obtaine any temporall benefit or commoditie; hee is not bound simplie to keepe his vow upon the necessitie of saluation; but hee may giue the expences of his vow in almes amongst the poore, by the prudent counsell of his superiour, as I suppose.—And also I say, that euery deacon and priest is more bound to preach the word of God, than to say the canonicall houres, according to the primitiue order of the church.—Also, touching the interrogation of the sacrament of the altar, I say, that, after the pronouncing of the sacramentall words of the body of Christ, there ceaseth not to be very bread simply, but remaines bread, holy, true, and the bread of life; and I beleeue the said sacrament to bee the very body of Christ, after the pronouncing of the sacramentall words."

When all these Answeres were throughly by master Robert Hall directly and publikely there read, the foresaid archbishop of Canturbury inquired of the said sir William, whether hee had abiured the foresaid heresies and errors obiected against him, as before is said, before the bishop of Norwich, or not; or else had reuoked and renounced the said or such like conclusions or articles, or not? To which he answered and affirmed that he had not. And then consequently (all other articles, conclusions, and answers aboue written immediatly omitted) the said archbishop examined the same sir William Sautre, especially vpon the sacrament of the altar.—First, whether in the sacrament of the altar after the pronouncing of the sacramentall words, remaineth very materiall bread, or not. Vnto which interrogation, the same sir William somewhat waueringly said, and answered, that hee knew not that. Notwithstanding, hee said, that there was very bread, because it was the bread of life which came downe from Heauen.—After that the said archbishop demanded of him, whether in the Sacrament after the sacramentall words, rightly pronounced of the priest, the same bread remaineth, which did before the words pronounced, or not. And to this question the foresaid William answered in like manner as before, saying, that there was

bread, holy, true, and the bread of life, &c.—After that, the foresaid archbishop asked him, whether the same materiall bread before consecration, by the sacramentall words of the priest rightly pronounced, be transubstantiated from the nature of bread into the very body of Christ, or not? Whereunto sir William said, that he knew not what that matter meant.—And then the said archbishop assigned vnto the said sir William time to deliberate, and more fully to make his answere till the next day; and continued this conuocation then and there till the morrow, which morrow, to wit, the 19 day of Februarie being come, the foresaid archbishop of Canturbury, in the said Chapter-house of Saint Paul in London, before his councell prouinciall then and there assembled, specially asked and examined the same sir William Sautre there personally present vpon the Sacrament of the altar, as before. And the same sir William againe, in like maner as before, answered.—After this, amongst other things the said bishop demanded of the same William, if the same materiall bread being vpon the altar, after the sacramentall words being of the priest rightly pronounced, is transubstantiated into the very bodie of Christ, or not? And the said sir William said he vnderstood not what he meant.—Then the said archbishop demanded, whether that materiall bread being round and white, prepared and disposed for the Sacrament of the bodie of Christ vpon the altar, wanting nothing that is meete and requisite thereunto, by the vertue of the sacramentall words being of the priest rightly pronounced, bee altered and changed into the very body of Christ, and ceaseth any more to bee materiall and very bread, or not? Then the said sir William, deridingly answering, said, he could not tell.—Then consequently the said archbishop demanded, whether he would stand to the determination of the Holy Church or not, which affirmeth, that in the Sacrament of the altar, after the words of consecration being rightly pronounced of the priest, the same bread, which before in nature was bread, ceaseth any more to be bread. To this interrogation the said sir William said, that hee would stand to the determination of the Church, where such determination was not contrary to the will of God.—This done, he demanded of him againe, what his iudgement was concerning the Sacrament of the altar: Who said and affirmed, that after the words of consecration, by the priest duly pronounced, remained very bread, and the same bread which was before the words spoken. And this examination about the Sacrament lasted from eight of the clocke of the same day vntil eleuen of the clocke, or thereabouts: insomuch that during all this time the foresaid William would no otherwise answere, neither yet touching the same Sacrament receiue Catholike information, according to the institution of the popes church and his Christian faith. Wherefore the said Canturburie, by the counsell and assent of his whole couent then and there present, did promulgate and giue sentence, by the mouth of Robert Hall, against the same sir William Sautre (being personally present, and refusing to reuoke his heresies, that is to say, his true doctrine, but constantly defended the same) vnder the tenour of words as followeth.

The Sentence against W. Sautre.

"In the name of God, Amen. Wee Thomas by the grace of God archbishop of Canturbury, primate of England and legate of the sea apostolicall, by the authoritie of God almightie and blessed saint Peter and Paul, and of holy church, and by our owne authoritie sitting for tribunall or chief iudge, hauing God alone before our eyes, by the counsell and consent of the whole clergie our fellow brethren, and suffragans assistants vnto vs in this present councell prouinciall, by this our sentence definitiue do pronounce, decree, and declare by these presents thee William Sautre, otherwise called Chawtrey, parish priest pretensed, personally appearing before vs, in and vpon the crime of heresie iudicially and lawfully conuict, as an heretike, and as an heretike to be punished."—Which Sentence definitiue being thus read, the foresaid archbishop of Canturbury continued in the same prouinciall councell till Wednesday next and immediatly ensuing, to wit, the 24 day of the same moneth of Februarie: which being expired, the bishop of Norwich, according to the commandement of the said archbishop of Canturburie, presented vnto the foresaid William Sautre by a certain friend of his, being present at the same councell, a certaine processe inclosed and sealed with his seale, giuing the names of credible witnesses sealed with their seales; the tenor whereof followeth in this wise:

"Memorandum, that vpon the last day of April, in the yeere of our Lord, 1399, in the 7 indiction, and 10 yeere of the papacie of pope Boniface the 2, in a certaine chamber within the manor house of the said bishop of Norwich, at South Helingham (where the register of the said bishop is kept) before the 9 houre, in a certain chapell within the said manor situate, and the first day of May then next and immediatly ensuing, in the foresaid chamber sir W. Chawtris parish priest of the church of S. Margaret in the towne of Linne, appeared before the bishop of Norwich, in the presence of John de Derlington, archdeacon of Norwich, doctor of the decrees, frier Walter Disse, and John Rikinghall, professors in diuinitie, William Carlton, doctor of both lawes, and William Friseby, with Hugh Bridham, publike notaries, and there publikely affirmed and held the conclusions, as before is specified.—All and singular the premises the foresaid William affirmeth vpon mature deliberation. And afterwards, to wit, the 19 day of May in the yeere, indiction, and papacie aforesaid, in the chapell within the manour house of the said Henrie bishop of Norwich situate at South Helingham, the foresaid sir William reuoked and renounced

all and singular the foresaid his conclusions; abiuring and correcting all such heresies and errours, taking his oth vpon a booke before the foresaid Henrie the bishop of Norwich, that from that time forward hee would neuer preach, affirme, nor hold, priuily nor apertly, the foresaid conclusions; and that he would pronounce, according to the appointment of the said bishop, the foresaid conclusions to be erroneous and heresies in the parish churches of Linne, and Tilney, and in other places at the assignement of the said bishop: and farther sware, that hee would stand to the ordinance of the said bishop touching the premisses, in the presence of the discreet and worshipfull men afore-recited with diuers other moe.—As concerning the first conclusion, that he said he would not worship the crosse, &c. hee confessed himselfe to haue erred, and that the article was erroneous, and submitted himselfe. And as touching the second article, that he said he would rather worship a king, &c. he confessed himselfe to haue erred, and the article to be erroneous, and submitted himselfe, and so forth of all the rest.—Then next after this, vpon the 25 day of May in the yeere of our Lord aforesaid, in the churchyard of the chappell of saint James within the towne of Linne, the foresaid William, in presence of the foresaid bishop and clergie, and the people of the said towne of Linne standing round about, publikely declared in the English tongue the foresaid conclusions to be erroneous and heresies, as was contained in a certaine scrole. After this, the 26 day of May in the yeere abouesaid, in the church of the hospitall of saint Johns in the towne of Linne, the said sir William, before the said bishop sitting as iudge, swore and tooke his oth vpon the holy Euangelists, that hee would neuer after that time preach openly and publikely the foresaid conclusions, nor would heare the confessions of any of the subiects of his diocesse of Norwich, without the speciall licence of the said bishop, &c. In the presence of frier John Smermen, M. John Rikinghall doctor of diuinitie, W. Carlton doctor of both lawes, and Thomas Bulton officer of the liberty of Linne aforesaid, with diuers others."

The tenor of the Scrole and Recantation.

"1. 2, Imprimis, touching the first and second, where I said that I would adore rather a temporall prince, and the liuely bodies of the saints, than the woodden crosse whereupon the Lord did hang, I doe reuoke and recant the same as being therein deceiued.—3. To this I say, that the article is false and erroneous, and by false information I held it; the which I renounce and aske forgiuenes thereof, and say, that it is a precious relique, and that I shall hold it while I liue, and that I sweare here.—4. I know well that I erred wrongfully by false information: for I wot well, that a deacon or a priest is more bound to say his mattens and houres than to preach; for thereto he is bounden by right: wherefore I submit me, &c.—5. Touching that article, I know right well that I erred by false information. Wherefore I aske forgiuenesse.—6. As concerning vowes, I say that opinion is false and erroneous, and by false information I held it; for a man is holden to hold his vow, &c.—7. To the 7 article I say, that I did it by authoritie of priesthood, where through I knowledge well that I haue guilt and trespassed: wherefore I submit me to God and to holy church, and to you father, swearing that I shall neuer hold it more.—8. To the 8, I say, that I held it by false and wrong information. But now I know well that it is heresie, and that bread, anon as the word of the sacrament is said, is no longer bread materiall, but that it is turned into very Christs bodie; and that I sweare here. 9. I say, that this is false and erroneous, &c. 10. I say as I said, &c."

This being done, the 22 of February aforesaid in the yeere of our Lord 1400 in the Chapter-house of Saint Paul in London aforesaid; the foresaid archbishop of Canturbury, in the conuocation of his prelates and clergie and such like men there being present, caused the forerecited processe of the bishop of Norwich to bee read openly and publikely to sir William Sautre, otherwise called Chautris. And afterward he asked the said sir William, whether he plainely vnderstood and knew such processe and the contents within the same; and he said, Yea. And further he demanded of him, if hee would or could say or obiect any thing against the processe; and he said, No. And after that incontinent, the foresaid archbishop of Canturburie demanded and obiected against the said sir William, as diuers others more did; that after hee had before the bishop of Norwich reuoked and abiured iudicially diuers errors and heresies, among other errors and heresies by him taught, holden and preached, he affirmed; that in the same Sacrament of the altar after the consecration made by the priest, as he taught, there remained materiall bread: which heresie amongst others as errors also hee abiured before the foresaid bishop of Norwich. Hereunto the foresaid William answered smiling or in mocking wise, saying, and denying that hee knew of the premises. Notwithstanding hee publikely affirmed, that he held and taught the foresaid things after the date of the said processe made by the said bishop of Norwich, and that in the same councell also hee held the same. Then finally it was demanded of the said sir William, why he ought not to bee pronounced as a man fallen into heresie, and why they should not further proceede vnto his degradation according to the canonicall sanctions: whereunto he answered nothing, neither could he alledge any cause to the contrary.—Whereupon the foresaid archbishop of Canturbury by the counsell and consent of the whole councell, and especially by the counsell and assent of the reuerend fathers and bishops, as also priors, deanes, archdeacons, and other worshipfull doctors and clerkes then and there present in the councell, fully determined to proceed to the degrada-

tion, and actuall deposing of the said William Sautre, as refallen into heresie and as incorrigible, according to the Sentence definitiue put in writing, the tenor whereof is in words as followeth. " In the name of God, amen. We Thomas by the grace of God archbishop of Canturbury, legate of the Sea apostolicall, and Metropolitane of all England, doe find and declare that thou William Sautre, otherwise called Chautris priest, by vs with the counsell and assent of all and singular our fellow brethren and whole clergie, by this our sentence definitiue declared in writing, hast beene for heresie conuict and condemned, and art (being againe fallen into heresie) to be deposed and degraded by these presents."—And from that day being Wednesday there was in the said councell prouinciall nothing further prosecuted, but was continued with all dependents till the Friday next ensuing. Which Friday approching, master Nicholas Rishton, by the commandement of the said archbishop of Canturbury, being then busied, as he said, in the parliament house, continued this councell and conuocation with all incidents, dependents, and occasions, growing and annexed thereunto, to the next day, to wit, Saturday next and immediately after ensuing. Vpon Saturday, being the 26th of the said month of Februarie, the foresaid archbishop of Canturbury sate in the bishops seat of the foresaid church of St. Paul in London, and solemnly apparelled in his pontificall attire, sitting with him as his assistants these reuerend fathers and bishops, of London, Lincolne, Hereford, Exeter, *Menenensis & Roffensis Episcopi*, aboue mentioned, commanded and caused the said sir William Sautre, apparelled in priestly vestments, to bee brought and appeare before him. That done, he declared and expounded in English to all the clergy and people there in a great multitude assembled; that all processe was finished and ended against the said sir William Sautre. Which thing finished, before the pronouncing of the said sentence of the relapse against the said sir William, as is premised, he often then and there recited and read. And for that hee saw the said William in that behalfe nothing abashed; hee proceeded to his degradation and actuall deposition in forme as followeth.

" *In nomine Patris, & Filij & Spiritus Sancti.* We Thomas by Gods permission archbishop of Canturbury, primate of all England, and Legate of the apostolike sea, doe denounce thee William Sautre, otherwise called Chautris, chaplaine fained, in the habite and apparell of a priest, as an heretike, and one refallen into heresie, by this our sentence definitiue, by counsell, assent, and authoritie to be condemned; and by conclusion of all our fellow brethren, fellow bishops, prelates, councell prouinciall, and of the whole clergy, doe degrade and depriue thee of thy priestly order. And in signe of degradation and actuall deposition from thy priestly dignitie, for thine incorrigibilitie and want of amendment, we take from thee the patent and chalice, and doe depriue thee of all power and authority of celebrating the masse, and also wee pull from thy backe the casule, and take from thee the vestiment, and depriue thee of all manner of priestly honor.—Also we Thomas the aforesaid archbishop by authoritie, counsell, and assent, which vpon the foresaid William we haue being deacon pretensed, in the habit and apparell of a deacon, hauing the new Testament in thy hands, being an heretike, and twice fallen, condemned by sentence as is aforesaid, doe degrade and put thee from the order of a deacon. And in token of this thy degradation and actuall deposition we take from thee the booke of the new Testament, and the stole, and doe depriue thee of all authoritie in reading of the gospell, and of all and all manner of dignitie of a deacon.—Item, we Thomas archbishop aforesaid, by authoritie, counsell, and assent, which ouer thee the foresaid William we haue, being a subdeacon pretensed, in the habit and vestiment of a subdeacon, an heretike, and twice fallen, condemned by sentence, as is aforesaid, doe degrade and put thee from the order of a subdeacon; and, in token of this thy degradation and actuall deposition, wee take from thee the albe and maniple, and do depriue thee of all and all manner of subdiaconicall dignity.—Also, we Thomas archbishop aforesaid, by counsell, assent and authoritie which wee haue ouer thee the foresaid William, an acolyte pretensed, wearing the habite of an acolyte, and heretike, twice fallen, by our sentence, as is aforesaid, condemned, doe degrade and put from thee all order of an acolyte; and in signe and token of this thy degradation, and actuall deposition, we take from thee the candlestick and taper, and also vrceolum, and doe deprive thee of all and all manner dignitie of an acolyte.—Also we Thomas archbishop aforesaid, by assent, counsell, and authoritie, which vpon thee the foresaid William wee haue, an exorcist pretensed, in the habite of an exorcist or holy water clerke, being an heretike, twice fallen, and by our sentence as is aforesaid, condemned, doe degrade and depose thee from the order of an exorcist; and, in token of this thy degradation and actuall deposition, we take from thee the booke of coniurations, and doe depriue thee of all and singular dignitie of an exorcist.—Also, we Thomas archbishop aforesaid, by assent, counsell, and authoritie, as is abouesaid, do degrade and depose thee the foresaid William, reader pretensed, clothed in the habite of a reader, an heretik, twice fallen, and by our sentence, as is aforesaid, condemned, from the order of a reader; and, in token of this thy degradation and actuall deposition, we take from thee the booke of the diuine lections (that is, the booke of the church legend) and doe depriue thee of all and singular manner of dignity of such a reader. — Item, we Thomas archbishop of Canturburie aforesaid, by authoritie, counsell, and assent, the which we haue, as is aforesaid, doe degrade, and put thee the foresaid William Sautre, sexton pretensed, in the habite of a

sexton, and wearing a surplice, being an heretike, twice fallen, by our sentence definitiue condemned, as aforesaid, from the order of a sexton: and, in token of this thy degradation and actuall deposition, for the causes aforesaid, wee take from thee the keyes of the church doore, and thy surplice, and do depriue thee of all and singular manner of commodities of a doore keeper.—And also, by the authoritie of omnipotent God the father, the sonne, and holy Ghost, and by our authoritie, counsell, and assent of our whole councell prouinciall aboue written, we doe degrade thee, and depose thee, being here personally present, before vs, from orders, benefices, priuiledges and habite in the church; and for thy pertinacie incorrigible wee doe degrade thee before the secular court of the high constable and marshall of England, being personally present; and doe depose thee from all and singular clerkely honors and dignities whatsoeuer by these writings. Also, in token of thy degradation and deposition, here actually wee haue caused thy crowne and ecclesiasticall tonsure in our presence to be rased away, and utterly to be abolished, like vnto the forme of a secular lay man; and here we doe put vpon the head of thee the foresaid William the cap of a lay secular person; beseeching the court aforesaid, that they will receiue fauourably the said William vnto them thus recommitted."—Thus William Sautre the seruant of Christ, being vtterly thrust out of the popes kingdome, and metamorphosed from a clerke to a secular lay man, was committed (as ye haue heard) vnto the secular power. Which so done, the bishops, yet not herewith contented, cease not to call upon the king, to cause him to be brought forth to speedie execution. Whereupon the king, readie enough and too much to gratifie the clergy, and to retaine their fauours, directeth out a terrible decree against the said William Sautre, and sent it to the maior and sheriffes of London to be put in execution; the tenor whereof here vnder ensueth.

The Decree of the King against William Sautre.

"The Decree of our soueraigne lord the King and his councell in the parliament, against a certaine new sprung vp heretike. To the maior and sheriffes of London, &c. Whereas the reuerend father Thomas archbishop of Canturbury, primate of all England, and legat of the apostolike sea, by the assent, consent, and counsell of other bishops, and his brethren suffragans, and also of all the whole clergie within his prouince or dioces, gathered together in his prouinciall councell, the due order of the law being obserued in all points in this behalfe, hath pronounced and declared, by his definitiue sentence, William Sautre sometime chaplaine fallen againe into his most damnable heresie, the which beforetime the said William had abiured, thereupon to bee a most manifest heretike, and therefore hath decreed that he should bee degraded, and hath for the same cause really degraded him from all prerogatiue and priuiledge of the clergie, decreeing to leaue him vnto the secular power; and hath really so left him, according to the lawes and canonicall sanctions set forth in this behalfe, and also that our holy mother the church hath no further to doe in the premises; we therefore being zealous in religion, and reuerent louers of the catholike faith, willing and minding to maintaine and defend the holy church, and the lawes and liberties of the same, to roote all such errors and heresies out of our kingdome of England, and with condigne punishment to correct and punish all heretikes or such as be conuict; prouided alwayes that both according to the law of God and man, and the canonicall institutions in this behalfe accustomed, such heretikes conuict and condemned in forme aforesaid ought to be burned with fire: We command you as straitly as we may, or can, firmely enioyning you that you doe cause the said William, being in your custodie, in some publike or open place within the liberties of your citie aforesaid (the cause aforesaid being published vnto the people) to be put into the fire, and there in the same fire really to bee burned, to the great horror of his offence, and the manifest example of other christians. Faile not in the execution hereof, vpon the perill that will fall thereupon: Teste rege, apud Westm. 26 Febr. an. regni. sui. 2do."

Note. This writ *De Hæretico Comburendo*, for burning Sawtre seems to be a special act of parliament made for that purpose, being tested *per Regem et concilium in parliamento*, which is to be intended of an act of parliament, see 8 Coke's Rep. 19, a. Prince's case, 1 Hale's P. C. 396. 709.—The two first statutes relating to heresy are those here mentioned by Fox 5 R. 3. C. 5, enacting that sheriffs and other civil officers should apprehend and imprison persons suspected of heresy in order to their being tried by Holy Church, and 2 Henry 4. cap. 15. impowering every diocesan to imprison persons suspected of heresy in their respective dioceses, and try them (so that such diocesan proceeded judicially and openly against such persons), and where any person was convicted, he might be imprisoned at the discretion of the ordinary; or, if the party refused to abjure his errors, or having abjured them, relapsed, he was to be left to the secular arm; and the sheriff (whom the ordinary might call to be present at the trial) was to cause the party to be burnt in some high (or open) place.

The lord chief justice Brook (in his Abridgment, tit. Heresy) says, that upon this statute it was resolved, That if a person was convicted of heresy in the presence of the sheriff, the ordinary might commit him to the same sheriff, and he was to cause him to be burnt without the writ *de Hæretico comburendo;* but if the sheriff was absent, or if the heretic was to be burnt in another county, in either of these cases the writ *de Hæretico comburendo* must be first obtained before the sheriff could burn him.

Some authors have wondered why the writ, *de*

Hæretico comburendo was issued for the burning of Sawtre, when by the last-mentioned act the sheriff was empowered to execute persons convicted of heresy, without that writ; But the wonder ceases, if we consider that the sheriff could not proceed to execute the offender by his own authority, unless he was present at the conviction; and though the diocesan might call the sheriff to attend the trial, yet he might too convict the offender in his absence. And further, Sawtre was convicted by the convocation; and it may be difficult to give one instance where the convocation called the sheriff to assist at the trial of an heretic; and, if they had, such a conviction was not within the letter of the act: Therefore, upon this conviction, the sheriff was under a necessity of waiting for the writ *de Hæretico comburendo*, before he could execute him.

By the 2d of Henry 5. cap. 7. all civil officers were to be sworn to assist the ordinaries in extirpating heresies; and one convict of heresy was to forfeit his goods and chattels, and fee-simple lands.

By the 25th of Henry 8. cap. 14. the act of the 2d of Henry 4. is in part repealed; and it is thereby provided, That no person shall be executed as an heretic without the writ *de Hæretico comburendo* first obtained.

By the 1st of Elizabeth cap. 1. the aboresaid statutes, as well as that other statute of the first and second of Philip and Mary, cap. 6. against hereticks, are repealed.

And by the 29th of Charles 2. cap. 9. passed in contemplation of the duke of York's succession to the crown, the writ *de Hæretico comburendo*, with all proceedings thereon, and all capital punishments in pursuance of any ecclesiastical censures, are from thenceforth utterly abolished.

So that at this day a person convicted of heresy is liable only to excommunication, and such pains and disabilities as persons standing excommunicated for any other offence, (which however are not very light) for if the excommunicate person be not reconciled to Holy Church within forty days, he is liable to be taken by the civil powers under the writ *de excommunicato capiendo*, and to be imprisoned until he be so reconciled. See Comyn's Digest, tit. Excomengement. For further learning concerning Heresy, see Britton, l. 1. c. 17. Fitzh. Nat Brev. 594, 595, 1 Hale's P. C. 392, 394, 396, 709. Whitlock's speech in H. of Com. on Naylor's case, December 16, 1656, Cobbett's Parl. Hist. and Burn's Ecclesiastical law. Rapin's state of the church from 1272 to 1399, in the first vol. of his History, should be read.

18. The Trial and Examination of Master WILLIAM THORPE, Preste, for Heresye, before Thomas Arundel, Archebishop of Canterbury: 8 Hen. IV. A. D. 1407. Written by Himself. [1 Fox's Acts and Monum. 689. Coll. Eccl. Hist. 625.]

KNOWEN be yt to all men that rede or heare thys Writing benethe, That on the Sondaye next after the Feste of Seynt Peter, that we call Lammesse, in the yeare of our Lord a M.CCCC. and vii. yeare, I William Thorpe, being in preson in the castell of Saltwoode, was brought before Thomas Arundell archebyshope of Canterbury, and Chauncellor than of Ingland: And when that I came to hym, he stoode in a great chamber, and moch people aboute hym; and when that he sawe me, he went faste into a closett, bydding all seculer men that folowed him to go forth from hym sone; so that no man was left than in that closet but the archebyshop hymselfe, and a physician that was callyd Malueren, person of Seynt Dunstanys in London, and other two personys, unknowen to me, whych ware minysterys of the lawe. And I standyng before them, by-and-by the archebyshop seyd to me, 'William, I know well that that thou hast thys twenty wynter and more trauelyd about besyly in the North contre, and in other diverse contres of Ingland, sowying about false doctrine, hauying great busynesse yf thou myght wyth thyne untrew teachyng, and shrewyd will for to infecte and poyson all this lande: but through the grace of God thou art now wythstonded and brought in to my warde, so that I shall now sequester the from thyne euill purpose, and lett the to enuenyme the shepe of my provynce. Never the lesse Seynt Paul seythe, Yf it may be as ferre as in us is, we owe to have peace wyth all men: therefore William, yf thou wyll now mekely, and of good harte, without onye feynyng, knele downe and leye thy hande upon a booke and kysse yt, promysying feythfully, as I shall here charge the, that thou wilt submyt the to my correccyon, and stande to myne ordinance, and fulfyll yt dewly by all thy connyng and power, thou shall yet fynde me gracyouse unto the.' Then seyd I to the Archbishop, Syr, syns ye deme me an Heretyke out of beleue, wyll ye gyue me here audience to tell my Beleue; and he seyd, ye tell on. And I seyd, I beleue that there is not but one God Almyghty, and in thys Godhede, and of thys Godhede ar thre Persones; that is, the Fader, the Sonne, and the sothe faste Holy Goste: And I beleue that all thes thre persones ar euen in power, and in connyng, and in myght, full of grace and of all goodnesse; for whatsoever that the Father dothe, or can, or wyll, that thyng also the Sonne dothe, and can, and wyll; and in all their power, connyng and wyll, the Holy Goste is equall to the Father and to the Sonne. Ouer thys I beleue, that through counsell of thys moste blessyd Trinitie, in a moste conuenient tyme before ordenyd for the salvacyon of man

kynde, the seconde peerson of thys Trinite was ordeynd to take the fourme of man, that is the kynde of man. And I beleue that thys seconde person, our Lorde Jesu Christe, was conceiuyd thorough the Holy Goste into the wombe of the most blessyd virgyn Marye, wythout manys seede: And I beleue that after nyne monthys Christe was borne of thys moste blessyd vergyn, wythout one peyne, or brekyng of the closter of hyr wombe, and wythout fylthe of her virginite: And I beleue that Christe our Sauyour was circuncisyd in the eyghte daye after hys byrthe in fulfillyng of the lawe, and hys name was callyd Jesu, which was callyd of the Angell before that he was conceiuyd in the wombe of Marie hys moder: And I beleue that Christe, as he was about thyrty yeare old, was baptyzed in the fludde of Jordane of John Baptist; and, in lykeness of a dowe, the Holy Goste descendyd there upon hym, and a voyce was herde from Heuen, seying, 'Thou art my welbelouyd Sonne, in the I am full pleasyd.' And I beleue that Christe was moeuyd than by the Holy Goste for to go into Desert, and there he fastyd fourty dayes and fourty nyghtes without bodely meate and drynk: And I beleue that by and by, after hys fastyng, when the manhode of Christe hongeryd, the Feende came to hym and temptyd hym in glotony, in veyn glory, and in couetyse; but in all thees temptacyons Christe concludyd the Fende, and withstoode hym; and than wythout taryng, Jesu began to preache and to seye unto the people, 'Doe ye penaunce, for the relme of Heven ys now at hande.' And I beleue that Christ, in all hys tyme here, lyued moste holyly, and taught the wyll of hys Fader moste trewly; and I beleue that he sufferyd therefore moste wrongfully greatyst repreuys and despysynges. And after thys whan Christe wolde make an ende here of hys temporall lyfe, I beleue that in the daye next before that he wolde suffer passyon in the morne, in fourme of brede and of wyne he ordenyd the Sacramente of hys flesh and his blood, that ys, hys owne precyous body, and gaue it to hys Apostles, for to eate, commaundying them, and by them all their after-comers, that they shulde doo it in thys fourme that he shewyd to them, use them self, and teache and commone forthe to other men and woomen thys moste worshypful holiest Sacrament, in myndefulnesse of hys holyest lyuyng, and of hys moste trew teachyng, and of hys wilfull and pacient sufferyng of the moste peynfull Passion: and I beleue that thus Christe our Sauyour, after that he had ordenid thys most woorthy Sacrament of hys owne preciouse body, he went forthe wylfully agenst hys enemyes, and he sufferyd them most paciently to ley their handys moste violently uppon hym, and to bynde hym, and to leade hym forthe as a thefe, and to skorne hym, and buffet, and all to blow or fyle him with their spittinges. Over this I beleue that Christe suffered most mekely and paciently his enemies for to dinge out with sharpe scourges the bloude that was betwene his skyn and his flesh: yee without grudginge Christe suffered the cruell Jewes to crown him with most sharp thornes, and to strike him with a rede: and after Christe suffered wicked Jewes to draw him out upon the crosse, and for to nayle hym there upon fote and hande; and so, thorow this pitiefull naylinge, Christe shed out wilfully for man's lyfe the bloude that was in his vaynes: and then Christe gave wilfully his spirite in to the handes or power of his Father, and so as he wolde, and when he wold, Christ deid wilfully for man's sake upon the crosse. And notwithstandinge that Christe was wilfully, paynfully, and most shamefully put to deeth as to the worlde, there was left bloude and water in his herte, as he before ordened, that he wolde shede out this bloude and this water for man's saluacion: and therefore he suffered the Jewes to make a blinde knight to thrust him in to the herte with a spere, and this the bloude and water that was in his herte Christe wolde shede out for man's love. And after this I beleue that Christe was taken downe from the crosse, and buried; and I beleue that on the third daye, by power of his Godheed, Christ rose again from deth to life; and the xlth day ther after, I beleue that Christe ascended up into Heven, and that he there sitteth on the right hande of God the Father Almyghty; and the tenth daye after this up goinge, he sente to his apostles the Holy Goost that he had promysed them before; and I beleue that Christe shall come and judge all mankinde, some to euerlastinge peace, and some to euerlastinge paynes. And as I beleue in the Father and in the Sonne, that they are one God almyghty; so I beleue in the Holy Goost, that is also with them the same God almyghty. And I beleue an holy Chirche, that is, all thei that haue byn, and that now are, and alwayes to the end of the worlde shal be a people, the which shall endeuer them to knowe and to kepe the commaundements of God, dredinge over all thynge to offende God, and lovyinge and sekynge most to please hym. And I beleue that all they that haue had, and yet haue, and all they that yet shall haue the foresayde vertuous surely standying in the belefe of God, hopying stedfastly in hys mercifull doynges, continuynge to their ende in perfect charitie, wilfully, paciently, and gladly soferynge persecutions, by the example of Christ chiefly and his apostles, all these haue their names wrytten in the boke of life: therefore I beleue that the gaderynge together of this people, lyuynge now here in this lyfe, ys the holye chyrche of God, seyghtynge here on erth agaynst the Fende, the prosperyte of the worlde, and their fleshely lustes. Wherfore seyng that all the gadering together of this Church before said, and euery parte therof, nother coueteth, nor willeth, nor loveth, nor seketh any thinge but to eschew the offence of God, and to do his pleasing will; mekely, gladly, and wilfully of all myne herte I submitt my selfe unto thys holye church of Christe, to be ever buxom and obedient to the ordinaunce of it, and of euery member thereof, after my knowledge and power by the helpe of God. Therefore I

knowlege now and euermore shall, if God will, that of all my harte, and of all my might, I will submyt me only to the rule and gouernaunce of them whome after my knowlege, I may perceave, by the havynge and usynge of the beforesayd vertues, to be membres of the holy churche. Wherfore these Articles of Belefe, and all other bothe of the olde lawe and of the newe, which after the commaundement of God any man oughte to beleue, I beleue verely in my soule, as synnefull deedly wretche, of my cunnynge and power oughte to beleue, prayenge the Lorde God, for his holye name, for to encrease my belefe, and help my unbelefe.

And forbycause to the praysynge of Goddes name, I desyre above all thynge to be a faythfull membre of Holy Churche, I make this Protestacyon before you all foure that are now here presente, covetynge that all men and women that now absente knewe the same, that what thynge soever before this tyme I have sayde or done, or what thynge here I shall doo or saye at any tyme here after; I beleue that all the olde lawe and the newe lawe, geuen and ordened by the councell of these thre persones of the Trynite, were geuen and wrytten to the saluacyon of mankynde: And I beleue that these lawes are sufficient for man's saluacyon: And I beleue every article of these lawes, to the entente that these articles were ordened and commaunded of these thre persones of the moste blessed Trynyte to be beleued. And therfore to the rule and the ordynaunce of these Goddes lawes, mekely, gladly, and wilfully I submytte me with all myne harte, that who ever can or wyll by auctoryte of Goddes lawe, or by open reason, tell me that I haue erred, or now erre or any tyme here after shall erre in any Article of Belefe (fro whyche inconvenience God kepe me for his goodnesse) I submytte me to be reconcyled, and to be buxom and obedyente unto these lawes of God, and to every article of them. For by auctorite, specyally of these lawes, I will, thorowe the grace of God, be vnyed charytably unto these lawes. Yee, syr, and ouer thys I beleue and admytte all the Sentences, Auctorites, and Reasons of the Saynctes and Doctoures, accordynge unto Holy Scripture, and declarynge it truely.—I submytte me wylfully and mekely to be ever obediente after my connynge and power to all these saynctes and doctoures, as they are obedyente in worke and in worde to God and to his lawe, and forther not to my knowledge, not for any erthly power, dignity or state, thorowe the help of God. But syr, I praye you tell me if after youre biddying I shall laye my hande upon the Boke to the entente to swere thereby?

And the Archebishope said to me, 'ye, wherfore els?' And I sayde to him, 'Syr, a boke is nothyng els but a thyng coupled together of dyuerse creatures, and to swere by any creature both Gods lawe and mans lawe is agaynst. But syr, this thinge I saye here to you before these your clerckes, with my forsayd Protestacion, that how, where, when and to whom men are bounden to swere or to obey in ony wise after Gods lawe, and sayntes and trewe doctoures according with Gods lawe: I will thorow Gods grace be ever redy thereto with all my conning and power. But I pray you syr, for the charity of God, that ye will before I swere as I have here rehersed to you, tell me how or whereto that I shall submytt me; and shewe me whereof that ye will correct me, and what is the ordinaunce that ye will thus oblige me to fulfyll.' And the Archebishop seid unto me, 'I will shortely that nowe thou swere here to me that thou shalt forsake all the opinions which the Secte of Lollards holde, and is slaundred with: so that after this tyme nother pryuely nor apertly thou holde any opinion which I shall after that thou haste sworne reherse to the here. Nor thou shalt fauer no man ner woman, young nor old, that holdeth any of thes foreseid opinions; but after thi knowledge and power thou shalt enforse the to withstand all soche distroblers of Holye Chyrche in euery diocese that thou comest in: and them that will not leaue their false and dampnable opinions, thou shalt put them up, publeshyng them and their names, and make them knowen to the bishop of the diocese that they are in, or to the bishopes ministres. And ouer this I will that thou preach no more unto the tyme that I know by good witnesse and trewe, that thy conuersacion be soch that thy hart and thy mouth accorde treuly in one contrariyng all the leude learnying that thou hast taught here before.'

And I hearying thes wordes, thought in my harte, that this was an vinefull asking; and I demyed myself cursed of God, yf I consented hereto, and I thought howe Susan seid, 'Aguyssch is to me on euery syde.' And in that I stode still, and spake not, the abp. seid to me, 'Answere one wyse or a nother;' and I seid, 'Syr, if I consented to you thus, as ye haue here rehersed to me, I should become an Appealer, or euery bishopis espye, somonour of all Englonde. For, and I sholde thus put up, and publeshe the names of men and women, I sholde herein deceiue full many persons; ye syr, as it is likely by the dome of my conscience I sholde herein, because of the dethe of both men and women, ye both bodely and goately. For many men and women that stand now in the treuthe, and are in the waye of salvation; yf I sholde for the learnying and reding of their beleve publeshe them, and put them therfor up to bishopes, or to their unpituouse ministers, I know some dele by experience, that they sholde be so distrobled and diseased with persecution or otherwise, that many of them (I thinke) would rather chose to forsake the waye of treuthe, than to be traveled, skorned, and slaundred, or punished as bishopes and their ministers now use for to constreyne men and women to consent to them. But I fynde in no place in Holy Scripture, that this office that ye wolde now enfesse me with accordith to ony priste of Christes secte, nor to any other Christen man. And therefore to do thus wer

to me a full noycous bonde to be bounden with, and over greuouse charge. For I suppose, that yf I thus dede many men and women would, ye syr, might justly unto my confusion sey to me, that I wer a traitur to God and to them; syns (as I thinke in myne hert) many men and women truste so mekle in me in this case, that I wold not for savyng of my lyfe do thus to them. For yf I thus sholde do, full many men and women wolde (as they might full truly sey) that I hadde falsly and cowerdly forsaken the truthe, and slaundred shamefully the Word of God. For yf I consented to you to do hereafter your will for bon chefe or mischef that may befall to me in this lyfe, I deme in my conscience that I were worthy herefore to be cursed of God, and also of all his seyntes, fro which inconuenience kepe me, and all Christen people Almighti God now and ever for his holy name.'

And than the abp. said unto me, 'O thine hart is full hard endured as was the herte of Pharao, and the Deuell hath ouercomen the and perverted the; and he hath so blynded the in all thy wittes, that thou hast no grace to know the treuthe, nor the mesure of mercy thot I have profered to the. Therefor, as I perceyue now by thy folish Answere, thou hast no will to leaue thyne olde errours. But I sey to the leude losell, other thou quickly consente to myne ordinaunce, and submit the to stand to my decrees, or by seynt Thomas thou shalt be disgraded, and followe thy felowe in Smithfelde.' And at this seying I stode styll and spake not, but I thought in myne harte that God did to me a greate grace, if he wolde of his great mercy bringe me to soch an ende. And in myne harte I was nothing frayde with this menasing of the abp. And I considered there two things in him: one, that he was not yet sorowfull for that he had made William Soutre wrongfully to be burnt; and as I consydered that the abp. thyrsted yet after more sheding out of innocent bloode. And fast therefore I was moved in all my wittes, for to hold the abp. nother for prelate nor for priest of God; and for that myne inward man was thus altogether departed from the abp. methought I should not haue ony dread of him. But I was right heuy and sorouful, for that ther was none audience of seculermen by: but in myne hart I praid the Lord God for to comforte me and strengith me ageinst them that there ware agaynste the sothefastenesse. And I purposed to speak no more to the abp. and his clerckes than me nede beboved: and all thus I praid God for his goodnesse to geue me than and alwaye grace to speake with a meke and an easy spyrit; and whatsoeuer thinge that I shulde speke, that I might haue true authorities of scripture, or open reason.

And for that I stode thus still, and nothing spake, one of the abp's. clerkes seid vnto me, 'What thing musiste thou? Do thou as my lord hath now commanded to the here.' And yet I stode still, and answered him not; and than sone after the abp. seid to me, 'Art thou not yet bethought, whether thou wilt do, as I haue here seid to the? And I seid then to hym; 'Syr, my father and my mother, on whose souls God haue mercy (if it be his will) spent mekyll money in diuerse places about my learning, for the entent to haue made me a prieste to God: but when I came to yeares of discretion I had no will to be prieste, and therefore my friends were right heuy to me: and than me thought their grudging agenst me was so peynfull to me, that I purposed therfor to haue left their company: and when they perceiued this in me, they spake some tyme full feire and pleasaunt wordes to me; but for that they might not make me to consent of good harte to be a prieste. thei spake to me full ofte tymes very grevous words, and manassed me in diuerse manners, shewing to me full heuy chere. And thus one while in feire manner, a nother while in greuous they were long tyme as me thought full besy about me, or I consented to them to be a prieste; but at the laste, whan in this matter they wold no longer suffer myne excusacions, but other I should consent to them, or I shold ever bear their indignation, ye, their curse, (as they seide) than I seing this, praid them that they wold gyue me licence for to go to them that wer named wyse priestis and of vertuous conuerscaion, to haue their counsell, and to know of them the office and the charge of priesthode. And hereto my father and my mother consented full gladly, and gaue me their blissing and goode leaue to go, and also money to spende in this journey. And so than I went to tho priests, whom I herde to be of best name, and of moste holy lyving, and beste learnid, and most wyse of heauenly wisdom; and so I communed with them vnto the tyme that I perceiuyed by their verteuous and continuall occupacions that their honeste and charitable werks passed their fame which I herde before of them. Wherefore, Syr, by the example of the doctrine of them, and specially for the godly and innocent workis which I perceiued than of them and in them; after my conning and power I have exercised me than and in this time to knowe perfectly God his lawe, hauing a will and a desyre to lyve ther after, willing that all men and women exercised them self feithfully theraboute. Yf than, syr, other for pleasure or displeasure of them that ar nother so wise, nor of so verteuouse conuersation to my knowledge; nor by comone fame to ony other mannis knowledge in this land, as thes men wer of whome I toke my counsell and information; I sholde now forsake thus sodenly and shortely, and unwarnid, all the learning that I exercised my self in this thirty winter and more; my conscience shulde ever be herewith out of mesure vnquieted: and as, syr, I knowe well that many men and women shoulde be therthrowe greatly troubiid and sclaunderid, and as I said syr to you before, for myne untrewthe and false cowardness many a one sholde be put into full great repref: ye syr I drede, that many a one, as thei might then iustely, wolde curse me full bitterly, and syr I

feare not but the curse of God, which I sholde deserve herein, wolde bring me to a full euyll end, yf I continewid thus. And if thorow remorse of conscience I repentid me any tyme retourning into the way, which you doo your diligence to constreine me now to forsake ye syr, all the bishopis of this lande with full many other priestis wolde defame, and pursew me as a relapse, and thei that now have (though I be unworthy) some confidence in me, hereafter wolde neuer truste to me though I cowlde teache and liue neuer so verteuously more than I can or may. For if after your counsell I lefte vterly all my learning, I sholde hereby firste wounde and defyle myne owne soule; and also I sholde here through geue occasion to many men and women of full sore hurting: ye syr, as it is likely to me, if I consented to your will I sholde herein by myne euil example in it, as ferre as in me wer, flee many folke ghostely, that I sholde neuer deserue for to haue grace of God to the edifying of his Chirche nother of my self, nor of none other mannes lyfe, and undone bothe before God and man. But syr, by example chefely of some whos names I will not now reherse, H. of J. P. and B. and also by the present doyng of Philip of Rampenton that is nowe becomen bishop of Lincoln, I am now learnid, as many more hereafter thorow Goddis grace shall be learned, to hate and tó flie all soche sclander, that thes foresaid men chefely hath defyled principally themselves with. And in it that in them is they have enuenemid all the Chirche of God for that sclanderous reuoking at the crosse of Paulis of H. P. and of B. and how now Philip Rampenton persewith Christis people. And that feining, that thes men dissemble by worldly prudence keping them cowerdly in their preaching and communing within the bondis and termis (wich without blame may be spokyn and shewid out to the moste worldly lyuers) will not be unponishid of God. For to the point of trewthe that thes men shewid out some tyme, they will not now streche forth their lyues. But by example eche one of them, as their wordis and their works shew, they besy them thorow their feinyng, for to sclaunder and to persewe Christe in his members, rather than they will be persewed.'

And the Archebishop seid to me, 'Thes men the which thou spekist of now wer foolis and heretiques, whan they were countid wyse men of the and other soche loselles. But now they ar wyse men, though thou and soche otl er deme them vnwyse. Neuerthelesse I wiste neuer none, that right seide, that any while were enuenymed with your contagiousnesse, that is, contaminate and spottid doctrine.'—And I seid to the Archebishop, 'Syr, I think well that thes men and such other ar now wyse as to this worlde; but as their wordis soundid sometyme, and their workis shewid outwardly, it was likely to move me that they had earneste of the wisdome of God; and that they sholde haue deserued mickell grace of God to have sauyd their own soules, and meny other monnis, if they had continewid feithfully in wifull pouerte, and in other symple verteuous lyving; and specially if they hadde with thes foreseid vertues continewid in their besy fruteful sowing of Goddis word: as to many mennys knowledge they occupied them a season in all their wittes full besyly to know the pleasaunt will of God, trauelying all their membres full besily for to doo therafter, purely and chefely to the praising of the most holy name of God, and for grace of edification and saluacion of Christen people; but wo worthe false couetise, and euill counsell, and tyranny, by wiche they and many men and women are ledde bliyndely into an evill ende.—Than the Archebishop seide to me, 'Thou and soche other losellis of thy secte wolde shaue your headis full nere for to have a benefice. For by Jesu I know none more couetouse shrewis than ye ar, when that ye haue a benefice. For lo I gave to John Puruay a benefice but a myle out of this castell, and I herde more compleintis aboute his covetousnesse for tythes and other mysdoyngys, than I didde of all men that wer auancid within my diocesse.'—And I seid to the Archebishop, 'Syr, Puruay is nother with you now for the benefice that ye gaue him, nor he holdith feithfully with the learnying that he tawght and writ before tyme, and thus he sheweth hymself nother to be hote nor cold; and therefore he and his felaws may sore drede, that if they torne not hastely to the waye that they have forsaken, perauenture they be put out of the nombre of Cristis choyen people.'—And the Archebishop said, 'Though Puruay be now a false harlot, I quyte me to him; but come he more for soche cause before me or we depart, I shall knowe with whom he holdith. But I sey to the, Whiche are thes holy men and wyse of whom thou haste takyn thyne informacion?'—And I seid, 'Sir, Master John Wicliff was holden of full many men the greatiste clerke that they knewe than lyvyng; and therwith he was namid a passing ruely man, and an ynnocent in his lyuynge, and herefore great men commonyd ofte with him, and they louyd so his learnying that they writ it, and besily enforsid them to rule themself there after. Therefore syr, this foreseid learnying of master John Wicliff is yet holden of full many men and women, the most agreeable learning unto the lyuing and teachyng of Christe and of his apostles, and moste openly shewing and declaring how the Chirche of Christ hathe ben, and yet shulde be rewlid and gouern'd. Therefore so many men and women couet this learnying, and purpose through Goddis grace to conforme their lyuying life to this learnying of Wicliff. Master John Aiston tawght and writ accordingly, and full besily wher and whan, and to whome that he might; and he vied it hymself right perfitly unto his lifes ende. And also Philip of Rampenton while he was a chanone of Lacester, Nicholas Herforde, Dauy Gotray of Pakring, monk of Bylande, and a master of diuinitie, and John Puruay and many other wich wer holden right wise men and prudent,

tawcht and writ besily this foresaid learnyng, and conformid them thereto. And with all thes men I was ofte right homely, and communyd with them long tyme and ofte; and so before all other men I choes wilfully to be informid of them and by them, and specially of Wicliff himself, as of the most vertenous and godly wise men that I herde of or knewe. And therefore of him specially, and of thes men, I tooke the learning that I haue taucht, and purpose to live there after (if God will) to my lives end. For though some of thes men be contrary to the learning that they taucht, before I wote well that their learning was trewe which they taught; and therefore with the helpe of God I purpose to holde and to use the learning which I harde of them, while they sat on Moses chaire, and specially while they sat on the chaire of Christe. But after the werkis that they now do, I will not doo with Goddis helpe. For they feine and hide, and contrary the trewthe wich before they taucht out plenily and trewly. For as I know well when some of these men hath been blamid for their sclaunderous doing, they graunte not that they have tauchte a misse, or erryd before time; but that they were constreined by peine to leave to tell out the sothe, and thus they choese now rather to blaspheme God than to suffer a while here persecution bodely for sothefastnesse that Christe shed out his harte bloode for.' And the Archebishop seid, 'That learning that thou callist trewthe and sothefastnesse, is open sclaunder to holy Chirche, as it is prouid of holy Chirche. For all be it, that Wicliff your autour was a great clerke, and though that many men held him a perfite liver, yet his doctrine is not approuid of holy Chirche, but many sentences of his learning are dampnid as they well woorthy ar. But as touching Philip of Rampenton that was first chanone, and after abbot of Lacester, which is now bishop of Lincoln; I tell the that the day is comen for which he fastid the euene. For nother he holdeth now, nor will hold the learning that he thought when he was a chanon of Lacester: for no bishop of this land perseweth now more sharply them that holde thy way than he doeth.'—And I said, 'Syr, full many men and women wonderith upon him, and speakith him mekill shame, and holdeth him for a cursid enemy of the trewthe.' And the Archebishop seid to me, 'Wherefore tariest thou me thus here with soche fables, wilt thou shortely (as I have seid to the) submit the to me or no?' And I seid, 'Syr, I tell you at one word, I dare not for the drede of God submit me to you, after the tenour and sentence that ye have aboue rehersed to me.'

And than as if he hadde been wrothe he seid to one of his clerkis, 'fetch hider quikely the Certification that came to me fro Shrewisbury under the bailiues seal, witnissing the Errours and Heresies which this losell hath venemously sowen there.'—Then hastely the clerke tooke out, and leid forth on a cupborde diverse rollis and writings, among which there was a little one, which the clerke delivered to the Archebishop. And by and by the archebishop redde this rolle, conteining this Sentence:'

"The thirde Sonday after Easter, the yere of our Lorde M.CCCC. and seuen, William Thorpe came vnto the towne of Shrewisbury, and thorow leaue graunted vnto him to preache: He said openly in Synt Chaddis Chirche in his sermone, that the sacrament of the altare after the consecration was material brede: and that ymages shulde in no wise be worshipped: and that men shulde not go on pilgremages: and that priests have no titles to tythes: and that it is not lefull for to swere in any wise."

And when the Archebishop had red thus this Rolle, he rolled it up ageiu, and seid to me, 'Ys this holesome learninge to be among the people?' And I said to him, 'Syr, I am both ashamed on their behalfe, and right soroufull for them that have certified you thes things thus votrewly: for I preached never nor taught thus priuely nor apertly.'—And the archebishop said to me, 'I will give credence to thes worshipfull men which haue written to me, and witnessed vnder their sealis there among them. Though thou now deniest this, wenist thou that I will give credence to the? Thou losell haste trobled the worshipful cominalte of Shrewisbury; so that the bailives and cominalte of that town haue written to me, praynge me that an archbishop of Canterbury, primate and chaunceler of Englond, that I will vouchsafe to graunte them, that if thou shalt be made (as thou art worthy) to suffer opeu jouresse for thine Heresys, that thou maye haue thi youresse openly ther among them: so that all they whome thou and soche other loselles haue ther peruerted, may thorow feare of thy dede be reconsyled ageyn to the vnite of holy Chirche. And also they that stand in true faithe of Holy Chirche may thorowe thy dede be more stablished therein.' And as yn thys askyng hadde pleased the Archebishop, he said,' by my thrifte this hartye prayoure and feruente requeste shal be thought on.'

But certeynly nother the prayer of the men of Shrewisbury, nor the manassynge of the Archebishop made me any thinge afrayde. But in rehersyng of this malice, and in the hearynge of it, my herte greatly rejoysed and yet dothe. I thanke God for the grace that I than thought and yet thinke shall come to all the chirche of God here thorowe, by the speciall mercifulle doynge of the Lord. And as hauynge no dreade of the malice of tyrauntes, by trustynge stedfastly in the helpe of the Lorde with full purpose for to knowlege the sothefastenesse, and to stande thereby after my connyng and power, I said to the Archebishop; 'Syr, yf the truthe of Gods Worde might be now accepted as it sholde be, I doute not to proue by lykely evidence, that they that are famed to be out of the faythe of Holy Chirche in Shrewisbury, and in other places also, are in the true faithe of Holy Chirche. For as their wordes sounde, and their workes shewe to mannis judgment, dreading and louing faithfully God, their will,

their desyre, their loue, and their besinesse are moste sett to dreade to offend God, and to loue for to please him in true and faithfull keping of his commandments. And agene, they that are said to be in the faithe of Holy Chirche in Shrewisbury and in other places, by open euidence of their proude, enuiouse, maliciouse, couetouse, lecherouse and other foule wordes aad workes, nother knowe nor haue will to knowe, nor to occupye their wittes truly and effectuously in the right faith of Holy Chirche. Wherefore all these, nor more that followe their maners, shall ony time come verely in the faith of Holy Chirche, except they enforce them more truelye to come in the waye whiche nowe they despise. For these men and women that are now called feithfull and holden juste, nother knowe nor will exercise themselfe to know of faithfulnesse one commaundement of God. And thus full many men and women now, and especially men that are named to be principall lymmes of Holy Chirche, stiere God to greate wrathe, and deserue his curse, for they that call or holde them unjuste men, which are full vnjuste, as their viciouse wordes, their great customable sweringe, and their slaunderouse and shamefull workes shew openly and witnesse. And herefore soche viciouse men and unjuste in their owne confusion call them unjuste men and women, which after their power and conning besy them self to liue justely after the commaundment of God. And where syr ye say, that I haue distrobled the cominaltie of Shrewisbury, and many other men and women with my teaching, if it thus be, it is not to be wondred of wise men, sins all the cominalte of the cite of Jerusalem was destrobled of Christes awne person that was very God and man, and most prudent precher that ever was or shall be. And also all the synagogue of Nazareth was moued againste Christe, and so fulfilled with ire towardes him for his preaching, that the men of the synagogue rose up and cast Christe out of their cyte, and ledde him vppe to the top of a mountaine for to cast him doune ther hedeling. Also accordingly hereto the Lord witnessyth by Moses, that he shall put dissention betwixt his people and the people that contrarieth and persewith his people. Who, syr, is he that shall preche the treuthe of Goddes worde to the vnfeithful people, and shall lett the sothefastenesse of the Gospell, and the prophecye of God almightie to be fulfilled?'

And the Archebishop said to me, 'It foloweth of thes thy words, that thou and soche other thinkest that ye do right well for to preach and teach as ye do without authoritie of any bishop. For ye presume, that the Lord hath chosen you only for to preache as faithful disciples and special folowars of Christe.'—And I said, 'Syr, by authoritie of Gods lawe, and also of seintes and doctours, I am learned to deme, that it is euery priests office and dutie for to preache besily frely and truely the worde of God. For no doute euery priest should purpose first in his soule, and couett to take the order of priesthode chefly for to make knowen to the people the worde of God after his conning and power, approuing his wordes euer to be true by his vertuous workes: and for this entent we suppose that bishopes and other prelates of Holy Chirch shold chefely take and use ther prelacie. And for the same cause bishopes sholde giue to priestes their orders. For bishopes sholde accept no man to priesthode, except that he had good will and full purpose, and were well disposed, and well learned to preache. Wherefore, syr, by the bidding of Christ, and by example of his moste holy liuing, and also by the witnessing of his holy Apostles and Prophets, we are bounde under full great peine to exercise vs after our conning and power (as euery prieste is likewise charged of God) to fulfil dewly the office of priesthode. We presume not here of oure selves for to be estemed (nother in our owne reputacion, nor in none other mannes) feithful disciples, and speciall folowers of Christe: but syr, as I said to you before, we deme this by authoritie chefely of Goddes worde, that it is the chefe deutie of euery prieste to besy them feithfully to make the law of God knowen to his people, and so to comune the commaundment of God charitably, bowe that we may beste, where, whan, and to whom that euer we may, is our very deutie. And for the will and businesse that we owe of our dewe dette to do justely our office thorow the steiring and special helpe (as we truste) of God, hoping stedfastly in his mercie, we desire to be the feithfull disciples of Christe; and we pray this gracious Lorde for his holy name, that he make us able so to please him with deuout prayers, and charitable priestly workes, that we may obteine of him to folowe him thankfully.

And the Archebishop said to me, 'Lewde losell, whereto makist thou soche venye reasons to me? Asketh not Seynt Paul, 'Howe sholde Priestes preche, except they be sent?' but I sent the neuer to preche; for thy venemous doctryne as so knowen thorow out Englond, that no bishop will admitt the for to prech by witnessyng of their letters. Why than, lewde Ydiot, willest thou presume to preach, syns thou art not sent, nor licensed of thy soucreyn to preach? Saith not Seynt Paule, 'That subjectes owe to obey their soucreyns,' and not only good and vertuous, but also tyrauntis that are vicious?'—And I said to the Archebishop, 'Syr, as touching your letter of licence or other bishopes, which we say we sholde haue to witnesse that we wer able to be sent for to preache; we knowe well that nother you, syr, nor ony other bishop of this lande will graunte to us ony soche letters of licence, but we sholde oblige us to you and to other bishopes, by unlefull oathes, for to passe not the bondes and termes, which ye, syr, or other bishopes, will limyt, to us, And sins in this matter your term is to be some to large, and some to streite, we dare not oblige us thus to be bounden to you for to kepe the termes, which you will lymitt to us, as ye do to Friere and soch other

prechers: and therefor though we haue not your letter, sir, nor letters of other bishops written with ynke upon perchement, we dare not herefor leaue the office of preching; to which prechinge all priestes, after there connying and power, are bounde by diuerse testimonies of God's lawe, and of great doctours, without ony mencion making of bishopes letters. For as mekell as we haue taken upon vs the office of priesthode (though we are vnworthy thereto) we come and purpose to fulfyll it with the helpe of God, by authoritie of his owne lawe, and by witnesse of great doctours and seintes accordingly, hereto trusting stedfastly in the mercye of God; For that he commaundeth vs to do the office of priesthode, he will be our sufficient letters and witnesse, if we by example of his holy lyuing and teaching specially occupye vs feithfully to do our office justly, ye the people to whom we preache, be they feithfull or unfeithfull, shall be our letters, that is, our witnesseberers; for the treuthe, where it is sowen, maye not be unwitnessed: For all that are conuerred and saued by learninge of Goddes worde, and by working thereafter, are witnesseberers, that the trewith and sothfastnesse which they harde and dyd after, is cause of their saluacion. And ageyn, all unfeythfull men and women, which herde the treuthe, tolde out to them and wolde not do thereafter; also all they that might have herde the truthe, and wolde not heare it because that they wolde not do thereafter: all thes shall beare witnesse against themselfes, and the treuth which they wold not heare, or else harden and despised to do thereafter thorow their unfeythfulnesse, is and shall be cause of their dampnacion. Therefore, syr, syns this forseide witnessing of God, and of diverse seintes and doctours, and of all the people good and evyll, sufficeth to all true preachers; we thinke that we do not the office of presthode, if that we leaue our preaching, because that we haue not, or maye not haue, dewly bishopes letters to witnesse that we are sent of them to preache. This Sentence approueth Seynt Paul, wher he speaketh of himselfe, and of feithfull apostles and disciples, saing thus: 'We neede no letters of commendacion, as some other preachers do, 'whiche preache for couetousness of temporal 'goodes, and for mennes praising.' And where ye say, syr, that Paul biddeth subjectes obey their souereyns: this is soth, and may not be denied: But ther is ij. maner of souereyns, vertuous suffereyns, and vicious tyraunte; therefore to thes last souereyns nother men nor women that be subjecte owe to obey in ij. manners. To vertuous suffereins and charitable, subjectes owe to obey wilfully and gladly, in hearing of their good counsell, in consenting to their charitable biddinges, and in werkynge after their frutefull works. This sentence Paul approueth, wher he saith thus to subjectis; 'Be ye mindfull of your 'souereyns that speke to you the worde of God, 'and folow you the feithe of them whos conuer-'sacion you know to be vertuous.' For as Paul saith after, 'Thes souereyns, to whome subjectis 'owe to obeye in following of their maners, 'worke besily in holy studying, how they may 'withstande and destroy vices firste in themself, 'and after in all their subjectis, and how they 'may beste plante in them vertues.' Also thes souereyns make deuoute and feruent prayers for to purchase grace of God, that they and their subjectis may ouer all things dreade to offende him, and to loue for to please hym. Also these souereyns to whom Paul biddeth vs obey, as it is seid before, lyue so vertuously, that all they that will lyue well may take of them goode example to knowe and to kepe the commaundmentis of God. But in this foresaid wyse, subjectis owe not to obey, nor to be obedient to tyrauntis, while they ar vicious tyrauntis; syns their will, their counsell, their biddings, and their workis ar so vicious, that they owe to be hatid and lefte. And though soche tyrauntis be masterfull and cruell in bostyng, and manasing in oppressions and diverse punyshyngis; Seynt Paul biddeth the seruauntis of soche tyrauntis to obey mekely to soche tyrauntis, suffering paciently their malicious cruelnes; But Peter counsellith not ony seruant or subjecte to obey to ony lorde, or prince, or souereyn in ony thyng that is not pleasing to God.'

And the Archebishop said vnto me, 'Yf a souereyn bidde his subject doo that thing that is vicious, this souereyn herein is to blame; but the subjecte for his obedience deserueth mede of God, for obedience pleasith more to God than ony sacrifice.'—And I said, Samuel the prophete said to Saul the wycked king, 'That God was more pleased with the 'obedience of his commaundment than with ony 'sacrifice of bestis.' But Dauid saith, and Seynt Gregory according to gither, 'That not onely they that do euyll is worthy of dethe and dampnacion, but also all they that consente to euyll doers.' And, syr, the law of Holy Chirche teacheth in the Decrees, That no seruant to his lorde, nor childe to the father or mother, nor wyfe to hyr husbond, nor monke to his abot, ought to obey except in lefull thingis and lawfull.'—And the Archebishop said to me, 'All these allegingis that thou bringest forth ar not els but proude presumptuousness; for hereby thou enforcist the to prove, that thou and soche other ar so juste, that ye owe not to obeye to prelatis. And thus agenst the learning of Seynt Paul, that teachith you not to preache but if ye wer sent, of your own authorite ye will go forthe, and preache, and doo what ye liste.'—And I said, 'Sir, presentith not every prieste the office of the apostles, or the office of the disciples of Christe?' And the abp. said 'ye.' And I said, 'Syr, as the tenthe chaptre of Matthew, and the laste chaptre of Marke witnesseth, Christe sent his apostles for to preache; And the tenthe chaptre of Luke witnesseth, that Christe sent his two and seuentie disciples for to preache in every place that Christe was to come to. And Seynt Gregory in the common lawe saith, That every man that goth to priesthode, takith upon hym

the office of preaching; for as he saith, that prieste steirith God to great wrathe, of whos mouthe is not herde the voice of preaching. And as other more gloses upon Ezechiel witnesse, that the prieste that prechith not besily to the people, shall be partetaker of their dampnacion that perishe thorow his defaute; and though the people be sanyd by other speciall grace of God than by the priestis preachyng, yet the priestis, in that they ar ordeuyd to preache and preache not, as before God they ar manslears, for as ferre as in them is; soche prieates as preache not besily and trewly sleeth all the people gostely, in that they withhold from them the worde of God, that is lyfe and sustenannce of manes soules. And Seynt Isidore saith, Priestis shall be dampnid for wickednesse of the people, if they teache not them that ar ignorant, or blame not them that are synners: For all the worke or besinesse of priestis standith in preaching and teaching, that they edifye all men as well by comnyng of feithe, as by discipline of workes, that is vertuous teaching. And as the Gospell witnesith, Christe said in his teaching, 'I am borne and comen into this 'worlde to beare witnesse to the trewthe, and 'he that is of the trewthe heerith my voice.' Than, syr; syns by the Word of Christe specially, that is, his voice, priestis ar commaundid to preache, whatsoeuer prieste that it be that hathe not good-will and full purpose to doo thus, and ableth not hymself, after his conning and power, to doo his office by the example of Christe and of his apostles, whatsoeuer other thing that he dothe displeasith God. For lo Seynt Gregory saith, that thing lefte that a man is bounde chefely to doo, whatsoeuer other thing that a man dothe, it is unthankefull to the Holy Goste: And therfore saithe Lincoln, That prieste that preachith not the worde of God, though he be siene to have none other defaute, he is Antichriste and Sathanas, a night-thefe and a day-thefe, a slear of soules, and an angell of light tournid into derkenesse. Wherefore, syr, thes authorites and other well considered, I deme myself dampnable if I, other for pleasure or displeasure of ony creature, applye me not diligently to preache the worde of God. And in the same dampnacion I deme all those priestis, which of goode purpose and will enforse them not besily to doo thus; and also all them that have purpose or will to lett ony priest of this businesse.'

And the Archebishop said to those three clerkis that stoode before hym, 'Lo, Syrs, this is the manner and businesse of this losell and soche other, to pike out soche sharp sentencis of holy Scripture, and of doctoris, to mainteine their secte and lore againste the ordinaunce of holy Chirche. And therefore, losell, it is that thou couetist to have ageyn the Psalter that I made to be takyn from the at Canterbury, to recorde sharpe versys ageinst vs; but thou shalt neuer haue that Psalter, nor none other boke, tyll that I know that thy harte and thy mouthe accorde fully to be gouernid by holy Chirche.' And I said, Syr, all my will and power is and euer shall be (I truste to God) to be gouernyd by holy Chirche. And the Archebishop asked me, 'What was holy Chirche?' And I said, Sir, I tolde you before what was holy Chirche; but syns ye aske me this demaunde, I call Christe and his Seyntes holy Chirche.—And the Archebishop said unto me, 'I wote well that Christe and his Seyntes ar holy Chirche in Heuene; but what is holy Chirche in erthe? And I said, Syr, though holy Chirche be euery one in charite, yet it hath two partis: the firste and principall parte hath ouercomen perfitely all the wretchednesse of this lyfe, and reigneth joyfully in Heuene with Christe; and the tother parte is here yet in erth, besily and continually fighting day and night ageinst temptacions of the Fende, forsakyng and hatyng the prosperite of this worlde, despising and withstonding their flesschely lustis; which only ar the pilgrimes of Christe, wandering toward Heuene by stedfast feith, and grounded hope, and by perfite charite: for this heuenly pilgremis may not, nor will not be lettid of their goode purpos, by the reason of eny doctours discording fro holy scripture, not by the fluddis of any tribulacion temporall, nor by the winde of any pride of boste, or of manasing of ony creatnre; for they ar all faste grounded upon the suer stone Christe, hearing his worde, and louing it, exercising them feithfully, and continually in all their wittes to doo thereafter.'

And the Archebishop said to his Clerkis, 'Se ye not how his harte is endured, and how he is traueled with the deuill, occupying him thus besely to allege soche sentencis to mainteyne hys errours and heresies? certeyn thus he wold occupie vs here all day, if we wold suffer hym.' One of the Clerkes answered; 'Syr, he said right now, that this Certificacion that came to you fro Shrowisbery is untrewly forged against hym; therfore, Syr, appose you hym now here in all the pointis which ar certified ageinst hym, and so we shall heare of his owne mouthe his Answers, and witnesse them.

And the Archebishop tooke the Certificacion in his honde, and looked theron a while, and than he said to me: 'Lo here it is certified ageinst the by worthy men and feithfull of Shrewisbury, that thou preachedst there openly in Seynt Chaddis Chirche, that the sacramente of the altare was matorial bredo after the consecracion: what saist thou? was this trewly preached?' And I said, Syr, I tell you trewly that I touchid nothing there of the sacrament of the altare, but in this wyse, as I will with Goddis grace tell you here. As I stood ther in the pulpet, besiyng me to teache the commaundement of God, ther knylled a sacring bell, and therfore mekill people toornid awaye hastely, and with great noyse ran fro towardis me. And I seing this, said to them thus: Goode men, ye wer better to stand here still, and to hear Goddis worde; for certis the vertue and the mede of the moste holy sacrament of the altare standith mekill more in the beleue thereof that ye ought to haue in your soule, than it dothe in the outward sighte thereof. And therfor ye were

better to stande still quietely to hear Goddis worde, because that thorow the hearing thereof men come to very trewe belefe. And otherwyse, Syr, I am certein I spake not there of the woorthy sacrament of the altare.

And the Archebishop said to me, 'I beleue the not what so euer thou saist, syns so worshipfull men haue witnessed thus ageinst the; but syns thou denyest that thou saidist thus there, what saist thou now? restith there, after the consecration, in the oste materiall brede or no?' And I said, Sir, I knowe in no place in holy scripture where this terme materiall brede is writen; and therefore, sir, when I speake of this matter, I vse not to speake of materiall brede. Than the Archebishop said to me, 'How teachest thou men to beleue in this sacrament?' And I said, Sir, as I beleue myself, so I teache other men. He said, 'Tell out pleinly thy beleue hereof.'—And I said with my protestacion, Sir, I beleue that the nyght before that Christe Jesu wold suffer wilfully passion for mankynde on the morne after, he toke breade in his holy and moste worshipfull handis, lifting vp his eyes, and gyuyng thankis to God his father, blessed this breade and brake it, and gaue it to his disciples, ssaying to them, 'Take and eate of this all you, this is my body;' and tho this is and ought to be all mennis belefe, Mathew, Mark, Luke, and Paul witnessith: other beleue, sir, haue I none, nor will haue none else; for I beleue, with Goddis grace, I purpose to lyue and dye, knoleging as I beleue, that the worshipfull sacrament of the altare ys the sacramente of Christis flesche and his bloode, in fourme of breade and of wine.

And the Archebishop said to me, 'It is sothe that this Sacrament is very Christis body in fourme of breade; but thou and thy secte techist it to be substaunce of brede: thynke you this true teachinge?'—And I said, Nother I nor ony other of the secte that ye dampne, teach ony other wyse than I haue told you, nor beleue otherwise to my knowynge. Neuerthelesse, syr, I aske of you for charyte, that ye will tell me here pleynly, how ye shall vnderstonde this text of Saynt Paule, wher he sayth thus: 'This thinge feale you in youre self, that is in Christe Jesu, while he was in the fourme of God.' Sir, calleth not Paule here the fourme of God, the substaunce or kynde of God? Also, sir, saith not the Chirche in the houres of the most blessed virgine accordingly hereto, where it is written thus: 'Thou auctour of healthe remembre, that sometyme thou toke of the undefyled vyrgyne the fourme of oure bodye?' Tell me for charyte therefore, whether the fourme of our bodye be called here the kynde of our body or no?—And the Archebishop said to me, 'Wouldest thou make me to declare this texte after thy purpose, syns the Chirche hathe nowe determyned, that there abideth no substance of breade after the consecracion in the sacrament of the altare? beleuest thou not on this ordinaunce of the Churche?' And I said, Syr, what soeuer prelates haue ordened in the Church, our beleue standith euer hooll. I haue not herde that the ordinaunce of men under beleue shulde be putt in to beleue. And the Archebishop saide to me, 'Yf thou hast not learned this before, learne now to knowe that thou art out of beleue, if in this matter and other thou beleuest not as holy chirche beleueth. What saye doctours treatinge of this Sacrament?'—And I said, Syr, Seint Paule that was a greate doctour of holy chirche, speakynge to the people, and teaching them the right beleue of this moste holy Sacrament, calleth it breade that we breake. And also in the canon of the masse after the consecration, this most worthy Sacrament is called holy breade; and euery prieste in this lande, after that he hathe receyued this Sacrament, saythe in thys wyse: That thynge that we haue taken with oure mouthe, we praye God that we may take it with a pure and clene mynde; that is, as I understonde, we praye God that we may receyue, thorowe very beleue, this holy Sacrament worthely. And, Syr, Seynt Augustine saith, That thing that is sene is breade: but that menneys feithe asketh to be informed of, is verye Christes body. And also Fulgence, an ententyfe doctour, saith, as it were an errour to saye that Christe was but a substaunce, that is, very man, and not very God, or to say, that Christe was very God, and not very man; so is it (this doctour sayth) an errour to say, that the Sacrament of the altar is but a substaunce. And also, Syr, accordingly hereto in the secrete of the middle masse on Christmasse day, it is written thus: '*Idem refulsit Deus, sic terrena substantia nobis conferat quod divinum est;*' which sentence, Syr, with the secrete of the forthe ferye, *quatuor temporum Septembris;* I pray you, syr, declare here openly in English.

And the Archebishop seid to me, 'I perceiue well ynough wher about thou art, and how the deuell blyndeth the, that thou may not understond the ordinaunce of holy chnrche, nor consent thereto: but I commaunde the now answere me shortly; Beleuest thou that, after the consecracion of this forsaid Sacrament, there abideth substaunce of breade or not?'—And I said, Syr, as I vnderstond, it is all one to to graunte and to beleue that there dwelleth substaunce of brede, and to graunte and to beleue that this most worthy Sacrament of Christes owne body is one accident withoute subjecte. But, Syr, for as mekell as your asking passeth myne understonding, I dare nother denye it nor graunte it; for it is skole-mater aboute which I besyed me neuer for to know it: and therefore I commit this terme, *Aceidens sine subjecto*, to those clerkes which delyte them so in curiouse and suttill sophistrie, because they determine oft so difficulte and straunge maters, and wade and wander so in them, from argument to argument with *pro & contra*, till that they wote not where they are, nor understonde not them selfe: but the shame that thes proude sophistrers haue to yelde them to men and before men, maketh them ofte foolis, and to be concluded shamefully before God.

And the Archebishop said to me, 'I purpose

not to oblige the to the suttyll argumentes of clerkes, syns thou art vnable therto: but I purpose to make the obeye to the determinacion of holy chirche.'—And I said, Syr, by open evidence and great witnesse a thousand yeare after the Incarnation of Christe, the determinacion which I haue here before you rehearsed was accepte of holy church, as sufficient to the saluacion of all them that wolde beleue it faithfully, and worke therafter charitably. But, Syr, the determinacion of this mater, which was brought in syns the Fende was losed by frier Thomas agayn, especially calling the most worshipfull Sacrament of Christes owne body an accident without subjecte, which terme syns I knowe not that Goddess lawe approueth it in this mater, I dare not graunte; but vtterly I denye to make this frier's sentence or ony soche other my beleue, do with me God what thou wilt.—And the Archebishop saide to me, 'Well, well, thou shalt say otherwise or that I leaue the.'

'But what saist thou to this Seconde Poynte, that is recorded ageinst the by woorthy men of Shrewisbury, saing, that thou preachest openly there, that Ymages oughte not to be worshipped in ony wise?'—And I said, Syr, I preached neuer thus, nor thorow Gods grace I will not any tyme consent to thinke nor to say thus nother pryuely nor apertly: for, lo! the Lorde witnesseth by Moses, that the thinges which he made were righte good, and so then they were, and yet they are and shall be good, and worshipfull in their kynde; and therefore to the ende that God made them to, they are all preisable and worshipfull, and specially man, that was made after the Ymage and likenesse of God, is full worshipfull in his kynde: ye this holy Ymage, that is man, God worshippeth; and herefore euery man shuld worshippe other in kynde, and also for heauenly vertues that men use charitably. Also I say, woode, tynne, gold, syluer, or any other mater that Ymages are made of, all these creatures are worshipfull in their kynde, and to the ende that God made them for; but the keruyng, castyng, nor peyntyng of ony Ymagery made with mannes hande, all bebit that this doing be accepte of man of hyest state and dignitie, and ordened of them to them to be a kalendar to leude men, that nother can nor will be learned to know God in his worde, nother by his creatures, nor by hys wonderfull and diuers workinges; yet this Ymagery ought not to be worshipped in the forme nor in the likenesse of mannes crafte: neuertheless that euery matter that peinters peynte with, syns it [illegible] the kynde, and to the ende that God made and ordened it to serue man.

Than the Archebishop said to me, 'I graunte well that no body oweth to do worshippe to any soche Ymages for them selfe; but a crucifyxe ought to be worshipped for the passion of Christe that is peynted therein, and so brought ther thorow to mannes mynde: and thus the Ymages of the blessed Trinitie, and of Virgin Mary, Christes mother, and other Ymages of sayntes ought to be worshipped. For lo earthely kynges and lordes, which use to send their letters enseallid with their armes, or with their preuy signet, to men that are with them, are worshipped of thes men: for whan thes men receiue their lordes letters, in whiche they se and knowe the willes and biddings of their lordes in worshippe of their lordes they do offer their cappes to thes lettres. Why not than, sins in Ymages made with mannes hande, we may rede and knowe many diuerse thinges of God, and of his sayntes, shall we not worshippe their Ymages?'—And I sayde with my foresaid Protestacyon, I say that these worldly visages of temporal lordes that he speake now of, maye be done in case without synne: but thys is no similitude to worship Ymages made by mannes hande, syns that Moses, Dauid, Solomon, Baruch, and other seyntes in the Bible, forbidde so pleynly the worshipyng of all soche Ymages.

Than the Archebishop said to me, 'Lewde losell, in the olde lawe, before that Christe toke mankind, was no likenesse of any persone of the Trinitie, nother shewed to man nor knowen of man: but nowe syns Christe became man, it is lefull to haue ymages to shewe his manhode: ye though many men, which are right greate clerkes, and other also holde it an errour to peynte the Trinitie, I say it is well done to make and to peynte the Trinitie in ymages. For it is great mouing of deuocion to men, to haue and to behold the Trinitie and other ymages of seyntes caruyd, caste, and peynted; for beyonde the sea are the beste peynters that euer I saw. And, syrs, I tell you this is their maner, and it is a goode maner. Whan that an ymage makers hall kerue, caste in moulde, or peynte ony images, he shall go to a prieste, and shryue him as clene as if he sholde than dye and take penaunce, and make some certeyn vow of fastyng or of praiynge, or of pilgrimages doinge, praiyng the prieste specially to praye for hym, that he may haue grace to make a faire and deuoute ymage.'—And I said, Syr, I doute not yf thes peynters that ye speake of, or ony other peynters, vnderstode truely the texte of Moses, of Dauid, of the wise man, of Baruch, and of other seyntes and doctours, these peynters should be moued to shryue them to God wyth full inwarde sorowe of harte, takynge vpon them to doo right sharpe penaunce for the synfull and vayne crafte of peyntinge, kuruynge or castinge that they had vsed, pro[illegible] God feithfully [illegible] to do so after, knowleging openly before all [illegible] their reprouable earning. And also, syr, thes p[illegible] that shriue (as ye do say) peinters, and injoine them to do penaunce, and praye for theire spede, promysyng to them helpe of their prayers for to be curious in their synfull craftes, synne herein more greuously than the peynters: for thes priestes do comforte and gyue them counsell to do that thynge, which of great peyne, ye under the peyne of Goddes curse, they sholde vtterly forbydde them. For certis, syr, yf the wonder-

full werking of God, and the holy lyuynge and teachynge of Christe, and of his apostles and prophetes, were made knowen to the people by holy lyuynge, and true and besy teachynge of priestes; these thynges (syr) were sufficient bokes and kalendares to knowe God by and his sayntes, without ony ymages made with mannes hond: but certis the vicious lyuynge of priestes, and their couetousnesse, are chefe cause of this errour, and all other viciousnesse that reigneth among the people.

Than the Archebishop said unto me, 'I holde the a vicious priest and acurste, and all them that are of thy secte; for all priestes of holy Chirche, and all ymages that moue men to deuocion, thou and soche other go about to destroy. Losell, ware it a feire thing to come into a Chirche, and see therein none Ymage?' And I said, Syr, they that come to the Chyrch for to pray deuoutly to the Lorde God, may in their inwarde wittes be the more feruent, that all their outwarde wittes be closed fro all outward feynge and hearing, and fro all distroblaunce and lettingis. And syns Christe blessed them that saw him not bodely, and haue beleuyd feithfully in hym; it sufficeth than to all men, thorow hearing and knowing of Goddis worde, and to doo there after, for to beleue in God, though they see neuer ymagis made with mannis hande, after ony person of the Trinitie, or of ony other seynte.—And the Archebishop said to me with a feruent spyrite, 'I say to the, losell, that it right well done to make and to haue an ymage of the Trinitie, ye what saist thou? ys it is not a stiering thinge to beholde soche an ymage?'—And I said, Sir, ye said right now, that in the olde lawe, or Christe toke mankynde, no likenesse of ony person of the Trinitie was shewid to men: wherefore, sir, ye said it was not than lefull to haue ymagis; but now ye say, syns Christe is becomen man, it is lefull to make and to haue an ymage of the Trinite, and also of other seyntis. But, syr, this thing wolde I learne of you, syns the Father of Heuen, ye and euery person of the Trinite was without beginnyng God Almighty, and many holy prophetis that wer dedely men wer martiresed violently in the olde lawe, and also many men and women than died holy confessours: why was it not than as lefull and necessarie as now to have made an ymage of the Father of Heuen, and to haue made and hadde other ymagis of marties, prophetis, and holy confessours, to haue ben kalendaris to aduise men, and move them to deuocion, as ye say that ymagis now doo?—And the Archebishop said, 'The sinagogue of Jues hadde not authorite to approue thes thingis, as the Chirche of Christe hathe nowe.—And I said, Sir, seint Gregory was a great man in the newe lawe, and of great dignitie: and as the common lawe witnessith, he commendid greatly a bishop, in that he forbadde vtterly the ymagis made with mannis hande, sholde be worshipped.

And the Archebishop said, 'Vngracious losell, thou fauerist no more trewthe than an hounde, syns at the roode at the northe dore at London, at our Lady at Walsingham, and many other diuerse places in England, ar many great and preisable miracles done: shulde not the Ymagis of soche holy seyntis and placis, at the reuerence of God and our Lady, and other seyntis, be more worshippid than other placis and ymages wher no soche miracles ar done?'—And I said, Sir, ther is no soche vertue in ony ymagery, that ony ymagis sholde herefore be worshipped: wherefore I am certein, that ther is no miracle done of God in ony place in erthe, because that ony ymagis made with mannis hande sholde be worshippid. And herefore, Sir, as I preached openly at Shrewisbury and other placis, I say now here before you, that no body sholde truste that ther war ony vertue in ymagery made with mannis hande, and herefor no body sholde vowe to them, nor seake them, nor knele to them, nor bow to them, nor pray to them, nor offer any thinge to them, nor kysse them, nor encense them: for lo the most worthy of soche ymagis, the brasen serpente by Moyses made at Goddis bidding, the goode kyng Ezechie destroied worthily and thankefully, for bycause it wes encensed. Therefore, sir, yf men take goode hede to the writing and to the lerning of Seynt Augustine, of Seynt Gregory, and of Seynt John Chrisostome, and of other seyntis and doctours, how they speake and write of miracles that shall be done now in the last ende of the worlde, it is to dreade, that for the vnfeithfulnesse of men and women, the Fende hath great power for to worke many of the miracles that now ar done in soche placis: for bothe men and women delyte now more for to heare and knowe miracles, than they do to knowe Goddis worde, or to hear it effectuously. Wherfore to the great confusion of all them that thus doo, Christe saith, 'The gnacion of adulterers requireth tokyns, miracles and wonders.' Neuerthelesse as diuerse seyntis say, now when the feithe of God is published in Christendome, the worde of God sufficeth to mannis saluacion without soche miracles; and thus also the worde of God sufficeth to all feithfull men and women, without ony soche ymagis. But, goode sir, syns the Father of Heuen that is God in his Godhead, is the moste unknowen thing that may be, and the moste wonderfull spyrit, hauying in it no shape or likenesse of ony members of ony dedely creature; in what likenesse or what ymage may God the Father be shewid or peintyd?—And the Archebishop said, 'As holy Chirche hath sufferid and yet sufferith the ymagis of all the Trinitie, and other ymagis to be peyntid and shewid, sufficeth to them that ar membres of holy Chirche; but syns thou art a rotten membre, cutt away from holy Chirche, thou fauerest not the ordinaunce thereof. But syns the daye passith, leaue we this matter.'

And than he said to me: 'What saist thou to the Thirde Poynte that is certified against the, preching openly in Shrewisbury, that pilgrimage is not lefull? And ouer this thou saidist, that those men and women that go on

pilgrimagis to Canterbery, to Beuerley, to Karlington, to Walsinghame, and to ony soche other placis, ar accursed, and made foolisch, spending their goodes in waste.'—And I said, sir, by this Certificacion I am accused to you, that I sholde teache that no pilgrimage is lefull. But I said neuer thus: for I knowe that ther be trew Pilgrimagis, and lefull and full plesaunt to God: and therefore, sir, how so euer myne enemies haue certified you of me, I tolde at Shrewisbury of two maner of pilgrimagis.—And the Archebishop said to me, 'whom callest thou trewe pilgrimes?' And I said, Sir, with my Protestacion I call them trewe pilgremis trauelyn toward the blisse of Heuen, which in the state, degree or ordre that God calleth them, doo besy them feithfully for to occupie all their wittes bodely and gostely, to knowe trewly and to keape feithfully the biddinges of God, hatyng and fleyng all the seuen dedely synnes, and euery braunche of them, reulyng them verteuously (as it is said before) with all their wittes, doyng discretely, wilfully and gladly all the werkis of mercy bodely and gostely after their connyng and power, ablying them to the gyftes of the Holy Goste, disposing them to receyue in their soules, and to holde therin the right blessinges of Christe, beseyng them to knowe and to kepe the seuene principall vertues; and so than they shall obteyne here thorow grace for to use thankfully to God all the condicions of charitie, and than they shall be moouyd with the good spirite of God for to examyne ofte and diligently their conscience, that nother wilfully nor wittingly they erre in ony article of beleue, hauyng continually (as frailte will suffer) all their besinesse to drede and to flee the offence of God, and to looue ouer all thing, and to seke euer to doo his pleasaunt will. Of these pilgremis I said, what so euer goode thought that they ony tyme thinke, what verteuous worde that they speake, and what fruitefull worke that they worke, euery soche thoughte, worde and werke is a steppe noumbered of God toward hym into Heuene. Thes forsaid pilgremis of God delyte sore whan they heare of seyntis or of verteuous men and women, how they forsoke wilfully the prosperity of this lyfe, how they withstode the suggestion of the Fende, how they restreined their fleschly lustes; how discrete they wer in their penaunce doyng; how patient they wer in all their adversites, how prudent they wer in counceling of men and women, moouyng them to hate all synne, and to flye them, and to shame euer greatly thereof, and to love all vertues, and to draw to them, ymaginyng how Christe and his folowers by example of hym, suffered skornis and sclaunders, and how paciently they abode and toke the wrongfull manasyng of tyrauntis, how homely they wer and seruisable to poore men, to relieue and comforte them bodely and gostely after their power and connyng, and how deuote they wer in praiers, how feruent they wer in heuenly desyres, and how they absented them fro spectacles of veyne seyngis, and hearingis, and how stable they were to lett and to destroye all vices, and how laborious and joifull they wer to sowe and to plante vertues. Thes heuenly condicions and soche other haue the pilgremis, or endeuer them for to haue, whose pilgrimagie God acceptith. And ageyne I saide, as their werkis shew the moste part of men and women that go now on pilgrimagis have not thes forsaid conditions, nor loueth to besy them feithfully for to have. For as I well know, syns I have full ofte assaide, examyne whosoever will twentie of thes pilgrimis, and he shall not fynde thre men or women that knowe surely a commaundment of God, nor can say their Pater-noster and Ave-maria, nor their Credo redely in ony maner of language. And as I have learnid and also know somewhat by experience of thes same pilgrimis, tellyng the cause why that many men and women go hither and thither now on pilgrimages, it is more for the helthe of their bodies than of their soules, more for to haue richesse and prosperitie of thys worlde, than for to be enryched with vertues in their souls, more to have here worldely and fleschely friendship, than for to have friendship of God and of his seintes in Heuen. For whatsoeuer thing man or woman dothe, the friendship of God, nor of ony other seynte, cannot be hadde without keeping of Goddis commaundementis. Forther with my protestacion I say now as I said in Shrewisbury, though they that haue fleschely willes trauell fer their bodies, and spende mekill money to seake and to visite the bonys or ymagis (as they say they do) of this seynte or of that; soche pilgrimage goyng is nother praisable nor thankefull to God nor to ony seinte of God: syns in effect all soche pilgrimes despise God and all his commaundmentis and seyntis. For the commaundmentis of God they will nother knowe nor keape, nor conforme them to lyue verteuously by example of Christe and of his seyntis. Wherefore syr, I haue prechid and taucht openly, and so I purpose all my lyfe time to do with Gods helpe, saying that soche fond people wast blamefully Gods goods in ther veyne pilgrimagis, spending their goodes upon vicious hostelers, which ar ofte vnclene women of their bodies; and at the leste those goodes with the which thei shoulde doo werkis of mercie after Goddis bidding to poore nedy men and women. Thes poor mennis goodes and their lyuelode thes runners about offer to riche priestis, which have mekill more lyuelode than they neade: and thus those goodes they waste wilfully, and spende them vnjustely ageinst Goddis bidding upon straungers, with which they sholde helpe and releue after Goddis will their poor nedy neighbours at home: ye and ouer this foly, ofte tymes diuerse men and women of thes runners thus madly hither and thither in to pilgrimage borowe hereto other mennis goodes, ye and sometyme they stele mennis goodes hereto, and they pay them neuer agein. Also sir, I know well that whan diuerse men and women will go thus after their own willes, and fynding out one pilgrimage, they will orden with them before to haue with them both men and women that can well syng wan-

ton songes, and some other pilgremis will haue with them bagge pipes; so that euery towne they come throwe, what with the noyse of their synging, and with the sounde of their piping, and with the jangelyng of their Canterbury bellis, and with the barkyng out of doggis after them, that they make more noise than if the kyng came there awaye with all his clarions, and many other menstrelles. And if these men and women be a moneth in their pilgrimage, many of them shall be an half yeur after great jangelers, tale-tellers and lyers.

And the Archebishop said to me, 'Leude losell, thou seest not ferre ynough in this mater, for thou considerest not the great trauell of pilgremys, therfore thou blamest that thing that is praisable. I say to the that it is right well done, that pilgremys haue with them both syngers, and also pipers, that whan one of them that goeth barfote striketh his too upon a stone and hurteth hym sore, and maketh hym to blede; it is well done that he or his felow begyn than a songe, or else take out of his bosome a bagge-pype for to driue away with soche myrthe the hurte of his felow. For with soche solace the trauell and werinesse off pylgremes is lightely and merily broughte forthe.'—And I said, 'Sir, seynte Paule teacheth men to wepe with them that wepe.' And the abp. said, 'What janglist thou ageinst mennis deuocion? what soeuer thov or soch other say, I say that the pilgrimage that now is used, is to them that doo it a praysable and a good meane to come the rather to grace. But I holde the unable to know this grace; for thou enforsest the to lett the deuocion of the people: syns by authoritie of holy scripture men maye lefully have and use soche solace as thou reprouest. For Dauid in his laste psalme teacheth me to haue diuerse instrumentes of music for to praise therwith God.' And I saide, Sir, by the sentence of diuerse doctours expounding the psalmes of Dauid, the musike and menstrelcy that Dauid and other seyntes of the olde lawe spake of, owe now nother to be taken nor used by the letter, but thes instruments with their musike ought to be interpreted gostely: for all those figures are called vertues and graces, with which vertues men sholde please God and praise his name. For saynt Paul saith, All soch thynges befell to them in figure. Therefore sir, I understaund that the letter of this psalme of Dauid, and of soche other psalmes and sentences, dothe slee them that take them now letterally, This sentence I understond syr, Christ approueth himself, putting out the menstrelles, or that he wolde quycken the deade damsell. And the abp. said to me, 'Leude losell is it not lefull to us to haue organes in the chirche for to worship therwithall God?' And I said. 'Ye, syr, by mannis ordynaunce, but by the ordinaunce of God, a goode sermonne to the peoples understondyng were mekill more plesaunt to God.' And the abp. sayde, 'that organes and good delectable songe quykened and sharpened more mennys witts than sholde ony sermonne.' But I said, Sir, lusty men and worldly louers delyte and couet, and trauell to haue all their witts quickened and sharpened with diuerse sensible solace: but all the feithfull louers and folowers of Christe haue all their delyte to heare Goddis worde, and to vnderstond it truely, and to worke therafter faithfully and continually. For no doute to dreade to offende God, and to loue to please him in all thing, quyckeneth and sharpeneth all the wittes of Christes chosen people: and ableth them so to grace, that they joye greatly to withdrawe their eares, and all their wittes and membres frome all worldly delyte, and from all fleschly solace: for seynt Jerome (as I thinke) saith, 'No body may joye with this worlde, and reigne with Christe.' And the abp. (as yf he had been displeased with myne answere) said to his clerkes, 'What gesse ye this ydiote will speake there, wher he hath none dreade, syns he speaketh thus nowe here in my presence? Well, well, by God thou shalt be ordened for.' And than he spake to me all angerly.

'What saist thou to this Forthe Pointe, that is certified against the, preching openly and boldely in Shrewisbury, that priestes haue no title to tythes?' And I said, 'Sir, I named ther no worde of tithes in my preaching. But, more than a moneth after that I was arreasted there in prysone, a man came to me in to the pryson askynge me what I sayde of tythes. And I saide to him, Sir, in this towne are many clerkes and priestes, of which some are called religious men, tnough many of them be seculers, therefore aske ye of them this question. And this man saide to me, sir, our prelates say, that we ar also obliged to pay our tythes of all thinges that renewe to us; and that they ar acursed, that withdrawe ony part wittingly fro them of their tythes. And I said, sir, to that man, as with my protestacyon I say now here before you, that I hadde wonder that ony prieste dare say, men to be acursed without grounde of Goddis worde. And the man said, sir, our priestes say that they curse men thus by authoritie of Goddes law. And I sayde, sir, I know not wher this sentence of cursing is authorited now in the Bible. And therfore, syr, I pray you that ye will aske the moste conning clerke of this Towne, that ye may knowe where this sentence cursyng them that tythe not now is written in Goddes lawe: for yf it were written there, I wolde right gladly be learned where. But shortely this man wolde not go from me, to aske this question of another body; but required me there, as I wolde answere before God, if in this case the cursing of priestes wer lauful and approued of God. And shortely herewith came to my mynde the learnyng of seynt Peter, teaching priestes especially to halow the Lord Christ in their hartes: beinge euermore redye (as ferre as in them is) to answere thorowe faith and hope to them that aske of them a reason. And this lesson Peter teacheth men to use with a meke spyrit, and with dreade of the Lord. Wherefore, syr,

I said to this man in this wise: In the old lawe which endyd not fully till the tyme that Cristes rose up ageyn fro dethe to lyfe, God commaundid tythes to be gunen to the Leuites, for the great besynesse dayly trauell that pertayned to their office. But priestes, because their trace was meky11 more easy and light, than was the office of the Leuites, God ordeyned that priestes should take for their lifelode to do their office, the tenth part of tho tythes that were gyuen to the Leuites. But naw (I said) in the newe lawe nother Christe, nor ony of his apostles tooke tythes of the people nor commaunded the people to pay tythes nother to preestes, nor to deacons. But Christe taught the people to do almesse, that is werkes of mercy, to poor nedy men, of surpluse, that is superfluouse of their temporal goodes, which they hadde more than them nedid reasonably to their necessary lyuelode. And thus (I said) not of tythes, but of pure almesse of the people Christe lyued and his apostles, whan they were so besye in teachynge off the worde of God to the people, that they might not trauell other wyse for to gett their lyuelode. But after Christes ascension, and whan the apostles had receyued the Holy Goste, they traueled with their handes for to get their lyuelode, whan that they myght thus doo for besye preachynge. Therefore by example of hymselfe Seynt Paule teacheth all the priestes of Christe for to trauell with theire hande, whan for besye teaching of the people they myght thus do. And thus all these priests whose priestehode God accepteth nowe, or will accepte or dyd in the apostles tyme, and after their decease, will do to the worldes ende. But (as Cisterciensis telleth) in the thousande year of oure Lorde Jesu Christe, two hundreth and a leuenth yere, one pope the tenth Gregory ordened new tythes first to be gyuen to priestes now in the newe lawe. But Seynt Paule in his tyme, whose trace or example all priestes of God enforce them to folow, seyng the coueotusnesse that was among the people, desyrynge to destroye this foule synne thorow the grace of God and the true vertuouse lyuynge an example of himselfe, wrotte and taught all priestes for to folowe him as he folowed Christe paciently, willingly, and gladly in hys Pouerte. Wherefore Paule saithe thus, the Lorde hath ordened that they that preache the Gospell shall lyue of the Gospell. But we (saith Paul) that couet and besy us to be feithfull folowers of Christ, vse not this power. For lo (as Paul witnesseth afterwarde) whan he was full pore and nedy preaching among the people, he was not chargeous vnto them, but with his handes he traueled not only to get his owne lyuynge, but also the lyuyng of other poore and nedy creatures. And syns the people was never so couetouse nor so anarose (I gesse) as thei are now, it were good counsell, that all priestes take good hede to this heuenly learnyng of Paul, folowing him here, in wilfull pouerte, nothing charging the people for their bodely lyuelode. But because that many priestes do contrary to Paule, in this forsayde doctrine: Paul biddeth the people take hede to those preystes that folow him as he had geuen them example. As if Paul wolde say thus to the people, Accept ye none other priestes than thei that lyue after this fourme that I haue tauchte you. For certeyn in whatsoeuer dignitie or ordre that ony prieste is in, yf he conforme him to folowe Christe and his apostles in wilful pouerte, and in other heuenly vertues, and specially in true preachynge of Goddes worde; though soche a one be named a prieste, yet he is no more but a prieste in name, for the worke of a very prieste soch a one wanteth. This sentence approueth Augustine, Gregory, Chrysostome, and Lincoln, plainly.

And the Archebishop said to me, 'Thinkest thou this holsome learninge for to sowe openly or yet priuely among the people? Certeyn this doctryne contrarieth playnly the ordinauuce of holy Fathers, which haue ordened, graunted and licensed priestes to be in diuerse degres, and to lyue by tythes and offringes of the people, and by other deuties.'—And I said, Syr, if priestes were now in mesurable mesure and nombre, and lyued vertuously, and taucht besyly and truely the word of God by example of Christ, and of his apostles, withouten tythes, offerynges, and other dewties that now chalenge and take, the people wolde gyue them freely sufficient lyuelode.

And a Clerke said to me, 'How wilt thou make this good that the people will gyue frely to priestes their lyuelode, syns that now by the lawe euery prieste can scarcely constrayne the people to gyue them their lyuelode?'—And I said, Sir, it is now no wonder, though the people grudge to gyue priestes the lyuelode that they aske; for mekill people knowe now how that priestes shulde lyue, and how that they lyue contrary to Christe and to his apostles: and therefore the people is full heuy to paye (as they do) their temporall goodes to persones, and to other vicares and priestes, which sholde be feithfull dispensatours of the pareshes goodes, taking to themselves no more but a scarce lyuing of tythes. nor of offrynges by the ordinaunce of the comon lawe. For whatsoeuer priestes take of the people, be it tythe or offering, or any other deutie or seruyce, the priestes ought not to haue thereof no more but a bare lyuing, and to parte the residew to the poore men and women specially of the parishe, of whom they take this temporal lyuynge. But the most dele of priestes nowe wasteth their pareshes goodes, and spendeth them at their owne will after the worlde in their veyne lustes, so that in few places poore men haue dewly (as they sholde haue) their owne sustenaunce, nother of tythes nor of offerynges, nor of other large wages and foundations that priestes take of the people in diuerse maners aboue it, that they nede for nedeful sustenaunce of meat and clothinge. But the poore nedy people ar forsaken, and left of priestis to be susteinyd of the paroshenis as if the priestis tolde

nothing of the paroshenis, for to help the poor people with. And thus, syr, into ouer great chargis of the paroshenis they pay their temporal goods twice, wher ones myght suffice, if priestis wer trew dispensatours. Also sir, the paroshenis that pay ther temporal goodes (be they tythes or offeringes) to priestis that doo not their office among them justely, are parteners of euery synne of those priestis; because that they susteyne those priestis soly in their synne with their temporall goods. Yf these things be well considerid, what wonder is it than, syr, if the paroshenis grudge ageinst thes dispensatours?

Than the Archebishop said to me, 'Thou that shouldest be judged and reulyd by holy chirche, presumptuously thou demest holy chirche to haue erryd in the ordinaunce of tythes and other dewties to be payd to pristis. It shall be long or thou thryue losell, that thou despicest thy gostely mother, how darist thou speake this losell among the people? Ar not tythes geuyn to pristis for to lyue by?'—And I said, Sir, Seynt Paul saith that tythes wer gyuen in the old lawe to Leuites and to the priestis, that came of the lynage of Leui; but our priest he saith came not of the lynage of Leui, but of the lynage of Juda; to which Juda no tythes were promised to be geuyn. And therfore Paul saith, syns the priesthode is chaunged from the generacion of Leui to the generacion of Juda, it is necessary that chaungyng also be made of the lawe. So that priestis lyue now without tythes and other dewties that they now claime, folowinge Christe and his apostles in wilfull pouertie, as they haue geuyn them example. For syns Christe lyued all the tyme of his preaching by pure almes of the people, and by example of hym his apostles lyued all the same wyse, or els by the trauell of their handis, as it is said aboue, euery prieste whose priesthode Christe approuyth knowith well, and confessith in worde and in werke, that a disciple owith not to be aboue his master; but it sufficeth to a disciple to be as his master, symple and pure, meke and patient; and by example specially of his master Christe, euery priest should reule hym in all his lyuynge, and so after his connyng and power a prieste sholde besy him to ensourme, and to reule whome soeuer he myght charitably.

And the Archebishop said to me with a great spyrite, 'Goddis curse haue thou and myne for this teaching; for thou woldist hereby make the olde law more fre and perfect than the new lawe. For thou saist that it is lefull to Levites and to priestis to take tythes in the old lawe, and so to enjoye their privilegies; but to us priestis in the new lawe thou saist it is not lefull to take tythes: and thus thou geuiest Leuites of the olde lawe more fredome than to priestis of the new lawe.'—And I said, Sir, I merrell that ye vnderstonde this playne text of Paul thus. Ye wote well, that the Leuites and priests in the olde lawe that tooke tythes, wer not so fre nor so perfite as Christe and his apostles that tooke no tythes. And sir, there is a doctour (I thinke that it is Seynt Jerome) that saith thus, The priestis that chalenge now in the new lawe tythes, say in effecte, that Christe is not becomen man, nor that he hath yet suffered dethe for mannis loue. Wherfore this doctour saith thys sentence, Syns tythes were the hyres and wagis limyted to Leuites and to priestes of the olde lawe for bearing about of the tabernacle, and for sleayng and fleayng of beastis, and for burning of sacrifice, and for keeping of the temple, and for tromping of battell before the oste of Israel, and other diuerse obseruauncis that perteinyd to their office; those priestis that will chalenge or take tythes, denye that Christe is comen in fleshe, and doo the priestis office of the old lawe for whome tythes were graunted; for els (as this doctour saith) priestis take now tythes wrongfully.

And the Archebishop said to his clerkes, 'Herde ye euer losell speake thus? Certeyn this is the learnyng of them all, that wher so ever they come, and they may be suffered, they enforce them to expunge the freedome of Holy Chirche.'—And I said, Sir, why call you the takyng of Tythes, and of soche other dewties that priestes chalenge now wrongfully, the fredome of Holy Chirche? syns nother Christe nor his apostles chalengid nor tooke soche dewties. Herefore thes takyngis of priestis now ar not callyd justely the fredome of Holy Chirche; but all soche geuyng and takyng ought to be called and holden the sclaunderous couetousnesse of men of the Holy Chirche.—And the Archebishop said to me, 'Why losell wilt not thou and other that ar confedered with the, seake out of Holy Scripture, and of the sentence of doctours, all sharp authorities ageinst lordis, and knyghtis, and squyeris, and ageinst other secnler men, at thou doeste ageinst priestes?' And I said, Sir, what so euer men or women, lordis or ladies, or ony other that ar present in our preaching specially, or in our communyng, after our connyng we tell out to them their office and their charges, but syr, syns Chrisostome saith, that priestis ar the stomake of the people, it is needfull in preaching and also in communyng, to be most besy about this priesthode, syns by the viciousnes of priestis both lordis and commons ar moste synfully infected and ledde into the worste: And because that the couetousness of priestis, and pride and the boste that they haue and make of their dignity and power, destroieth not only the vertues of priesthode in priestis themselfe, but also ouer this, it stiereth God to take greate vengeaunce both upon lordis and comons, which suffer thes priestes charitably.

And the Archebishop said to me, 'Thou judgest euery prieste proude that will not go arayed as thou doste. By God I deme hym to be more meke that goeth euery day in a scarlet gowne, than thou in that threde bard blew gowne. Whereby knowest thou a proude mam?'—And I said, Sir, a proude prieste may be knowen when he denyeth to folowe Christe and his apostles in wilfull pouerte and other

vertues, and couetith worldly worship, and taketh it gladly, and gatherith to gither with pletyng, manasyng, or with flattering, or with simony ony worldly goodes: and moste if a prieste besy hym not chefely in himself, and after in all other men and women, after his connyng and power to withstond synne.—And the Archebishop said to me, 'Though thou knewest a prieste to haue all thes vices, and though sawest a prieste lowely lye now by a woman, knowing hir fleschly; woldest thou herfore deme this prieste dampnable? I say to the, that in the tournyng about of thy hande soche a synner may be verily repented.'—And I said, Sir, I will not dampne any man for any synne that I knowe done or may be done, so that the synner leueth his synne. But by authoritie of holy Scripture, he that synneth thus openly as ye shew here, is dampnable for doying of soche a synne, and most especially a prieste that sholde be example to all other for to hate and flie synne; and in how short tyme that euer ye say that soche a synner may be repented, he oweth not of hym that knoweth not his synnyng to be judged verily repentaunt, without open euidence of greate shame and harty sorow for his synne. For whosoeuer, and specially a prieste that vseth pride, enuy, couetousnes, lechery, simony, or ony other vices; and shewith not as opyn euidence of repentaunce as he hath gyuen euyll example and occasion of synning, if he contynew in ony soche synne as long as he may, it is likely that synne leaueth hym, and he not synne; and as I vnderstonde, soche a one synneth unto dethe, for whome no body oweth to pray, as Seynt John saith.—And a Clerke said than to the Archebishop, 'Sir, the lenger that ye appose him, the worse he is; and the more that ye besy you to amende him, the waiwarder he is: for he is of so shrewde a kynde, that he shamyth not onely to be hymself a foule neste, but without shame he besieth him to make his neste fouler.' And the Archebishop said to his clerke, 'Suffer a while, for I am at an ende with him: for there is one other poynte certified ageynst hym, and I will heare what he saith thereto.'

And so than he said to me, 'Lo it is here certified ageinst the, that thou preachidst openly at Shrewisbury, that it is not lefull to sweare in ony case.'—And I said, Sir, I preached neuer so openly, nor I haue not tauchte in this wise in ony place. But sir, as I preachid in Shrewisbury with my protestacion I say to you now here; that by the authoritie of the Gospel and of Seynt James, and by witnesse of diuerse Seyntis and doctours, I haue preachid openly in one place or other, that it is not lefull in ony case to sweare by ony creature. And ouer this, sir, I haue also preachid and tauchte by the forsaid authorities, that no body sholde sweare in ony case; if that without othe in ony wyse he that is charged to sweare myght excuse hym to them that haue power to compell hym to sweare in lefull thyng and laufull. But if a man may not excuse hym without othe to them that haue power to compell hym to sweare, than he owght to sweare only by God, takyng him onely that is sothefastenesse, for to witnesse the sothefastenesse.

And than a Clerke asked me yf it wer not lefull to a subjecte at the bidding of his prelate for to knele down and touche the holy gospell booke and kysse it, saying, 'So heple me God and his holy Dome;' for he sholde after his connyng and power do all thyng that his prelate commaundeth hym.—And I said to them, 'Sirs, ye speke here full generally or largely: What if a prelate commaunded his subjecte to doo an unlawfull thyng, should he obey thereto?

And the Archebishop said to me, 'A subjecte ought not to suppose that this prelate will bidde him doo an unlaufull thing; for a subject ought to thinke, that his prelate will bidde hym doo nothing but that he will answere for before God that it is lefull; and than though the bidding of the prelate be unleful, the subject hath no parell to fulfill it, syns that he thinketh and judgeth that what so euer thing his prelate biddeth him doo, that it is lefull to hym for to doo it.' And I said, Sir, I truste not hereto. But to our firste purpose, Sir, I tell you that I was onys in a gentill mannis house, and there war than two Clerkes there, a master of diuinite, and a man of lawe, which man of lawe was also communing in diuinite; and among other thinges thes men spake of othes, and the man of lawe said, At the bidding of his souereign which hadde power to charge hym to sweare, he wold lay his hand upon a booke, and heare his charge: and if his charge to his understondinge were unlefull he wolde hastely withdrawe his hande from the booke: and if he perceiued his charge to be lefull, he wolde holde still his hande upon the booke, takyng there only God to witnesse, that he wolde fulfill that lefull charge after his power. And the master of diuinitie said than to hym thus, Certeyn he that leyeth his hande upon a booke in this wyse, and makyth there a promesse to doo that thing that he is commaunded, is obliged there by booke othe than to fulfill his charge. For no doute he that chargeth hym to lay his hande thus upon a booke towching the booke and swearing by it, and kyssing it, promisying in this fourme to doo this thyng or that, will say and witnesse that he that towcheth thus a booke and kysseth it, hath sworne upon that booke: and all other men that see that man thus doo, and also all tho that heare hereof in the same wyse, will saye and witnesse, that thys man hath sworne upon a boke: wherfore the master of diuinite sayde, it was not lefull nother to gyue nor to take ony soche charge upon a boke, for euery boke is nothing els but diuerse creatures of whiche it is made of. Therefore to sweare upon a boke, is to sweare by creatures, and this swearinge is euer unlefull. This sentence witnesseth Chrisostome, plainly blaming them greatly that bring forthe a boke for to sweare upon, charginge Clerkes that in no wise they constrayne ony body to sweare, whether they think a man to sweare true or false.—And the Archebishop and his Clerkes scorned me, and blamyd me greatly for this

saiyng. And the Archebishop manassed me with great punishement and sharpe, except I lefte this opinion of swearinge. And I saide, Sir, this is not myne opinion, but it is the opinion of Christe our Sauyour, and of Seynt Jamis and of Chrisostome, and other diuerse Seyntes and doctours.

Than the Archebishop badde a Clercke rede the Homely of Chrisostome, which homely thys clerke helde in his hande written in a Roll, which rolle the archebishope caused to be taken fro my felow at Canterbury; and so than this clerke redde this Roll till he came to a clause, wher Chrisostome saithe, that it is synne to sweare well. And than a clerke (Malueren, as I gesse) said to the Archebishop, 'Sir, I pray you wete of him, how that he vnderstondeth Chrisostome here, saing it to be synne to swere well.'—And so the Archebishop asked me how I vnderstode here Chrisostome. And certeyne I was somewhat afraide to answere hereto, for I had not besyed me to study about the sense thereof; but lyfting up my mynde to God, I prayed him of grace. And as faste as I thought how Christe said to his Apostles, 'Whan for my name ye shall be 'brought before Judges, I shall gyue into your mouth wisdome, that your aduersearyes shall not ageynst saye;' and trusting feithfully in the worde of Gode, I said, Sir, I know well that many men and women haue now swearing so in custome, that thei know not nor will not knowe that they do euell for to sweare as they do; but they thinke and say that they do well for to sweare as they do, though they know well that they sweare vntruely. For they saye, they may by their swearing (though it be false) voide blame or temporall harme, which they sholde haue yf they sweare not thus. And, Sir, many men and women maynteyne strongly that they sweare well, whan that thing is sothe that they sweare for. Also full many men and women now say, that it is well done to swear by creatures, whan they may not (as they saye) otherwise be beleued. And also full many men and women now say, that it is well done to sweare by God, and by our Ladye, and by other seyntes, for to haue them in mynde. But syns all these saiynges are but excusations and synne, me thinketh, sir, that this sentence of Chrisostome may be alleged welle ageinste all soch swerers, witnessing that all thes synne greuously, though they thinke themself for to swear in this forsaid wyse well. For it is euyll done and great synne for to sweare trewthe, whan in ony manner a man may excuse him without othe.

And the Archebishop said, that Chrisostome might thus vnderstonde. And than a Clerke said to me, 'Wilt thou tarye my lorde no lenger, but submit the here mekely to the ordinaunce of holy chirche, and laye thyne hande upon a booke touching the holy gospell of God, promysinge not onely with thyne mouth, but also with thyne harte to stande to my lordes ordinaunce?' And I said, Sir, haue I not told you here, how that I herde a master of diuinitie say that in soche a case it is all one to touche a boke, and to sweare by a boke? And the Archebishop said, 'There is no master of diuinitie in Englond so great, that yf he hold this opinion before me, but I shall punishe him as I shall do the, except thou sweare as I shall charge the.' And I said, Sir, is not Chrisostome an ententyfe doctour? And the Archebishop said 'Ye.' And I sayde, Yf Chrisostome proueth hym woorthy great blame that bryngeth forthe a boke to swere npon, it muste nedes folowe that he is more to blame that sweareth on that boke. And the Archebishop said, 'Yf Chrysostome ment accordingly to the ordinaunce of holy chirche, we will accepte him.'

And than said a Clerke to me, 'Ys not the worde of God and God himself equipollent, that is, of one authorite?' And I saide, Ye. Than he said to me, 'Why wilt thou not swere than by the gospell of God, that is Gods worde, syns it is all one to sweare by the wordo of God, and by God himselfe?' And I said, Sir, syns I may not nowe otherwyse be beleued but by swearynge, I perceyue (as Augustine saithe) that it is not spedefull that ye that shold be my brothern sholde not beleue me: therefore I am redy by the worde of God, (as the Lorde commaunded me by his worde) to sweare.—Than the Clerke said to me, 'Laye than thyne hande upon the boke, touching the Holy Gospell of God, and take thy charge.' And I said, Sir, I vnderstonde that the holy gospell of God may not be touched with mannes hande. And the Clerke saide, I fonded, and that I sayde not trewthe. And I asked this Clerke, whether it wer more to reade the gospell, or to touche the gospell. And he said, it was more to reade the gospell.

Than I said, Sir, by authorite of Seynt Jerome, the gospell is not the gospell for reding of the letter; but for the beleue that men haue in the worde of God, that it is the gospell that we beleue, and not the letter that we rede: for because the letter that is touched with mannes hande is not the gospell, but the sentence that is verely beleued in mannis hart is the gospell. For so Seynt Jerome saith, the gospell that is the vertue of Goddes worde is not the leauys of the boke, but it is in the root of reason. Nother the gospell (he saith) is in the writing aboue of the letters; but the gospell is in the marking of the sentence of scriptures. This sentence approueth Seynt Paule, saiynge thus, the kingdome of God is not in worde, but in vertue. And after Dauid saith, the voice of the Lorde, that is his worde, is in vertue. And after Dauid saith, thorow the worde of God, the Heauens were fourmed, and in the spirite of his mouth is all the vertue of them. And I pray you, syr, understonde ye well how Dauid saith, that in the spirite of the mouthe of the Lorde is all the vertue of angells and of men?

And the Clerke said to me, 'Thou woldest make us to fonde with thee: saye we not that the gospellis are written in the masse-boke?' And I sayde, Syr, though men use to saye thus,

yet it is unperfyte speche. For the principall parte of a thinge is properlye the hooll thynge: for lo, mannes soule, that may not now be sene here, nor touched with ony sensible thing, is properly man. And all the vertue of a tree is in the roote thereof, that maye not be sene; for do awaye the roote, and the tree is destroyed. And, syr, as ye sayde to me right nowe, God and hys worde are of one authoritie; and, syr, Seynte Jerome witnesseth that Christe, very Godde and very man, is hidde in the letter of his lawe: thus also, syr, the gospell is hidde in the letter. For, syr, as it is full likely many diuerse men and women here in the erthe touched Christe, and sawe hym and knewe his bodeley persone, which nother touched nor sawe, nor knewe ghostely his Godhede; right thus, syr, many men now touche and see, and write and rede the scriptures of Goddis lawe, whiche nother touche, see nor rede effectuallye the gospell. For as the Godhede of Christe, that is the vertue of God, is knowen by the vertue of thorowe belefe, so is the gospell, that is Christes worde.

And a Clerke said to me, 'Thes be full mystic matters, and unsauery, that thou shewest here to vs.' And I said, Sir, if ye that ar masters know not playnly this sentence, ye may sore drede that the kingdome of Heuene be taken fro you, as it was fro the princes of priestes, and fro the elders of the Jewes.—And than a Clerke (as I gesse Malueren) sayde to me, 'Thou knowest not thyne equiuocacyons, for the kyngdome of Heuene hathe diuerse vnderstondinges. What callest thou the kingdome of Heauene, in this sentence that thou shewest here?' And I said, Sir, by good reason and sentence of doctours, the realme of Heuene is called here the vnderstonding of Godes worde.—And a Clerke said to me, 'Frome whome thinkest thou that this vnderstondinge is taken awaye?' And I said, Sir, by authorite of Christe himselfe, the effectuall vnderstondinge of Christes worde is taken awaye from all them chefely, whiche are greate lettered men, and presume to vnderstonde high thynges: and will be holden wise men, and desyre mastershippe and hye state and dignite; but they will not conforme them to the lyuyng and teaching of Christe and his apostles.

Than the Archebishop said, 'Well, well, thou wilt judge thy souereyns. By God the kyng doeth not his deutie, but he suffer the to be condempned.' And than another Clerke said to me, 'Why on Friday that last was, counseldest thou a man of my lordes, that he sholde not shriue him to man, but only to God?'—And with this asking I was abasshed, and than by and by I knewe that I was suttely betrayed of a man that came to me in presone on the Friday before, comunynge with me in thys matter of confessyon; and certayn by his wordes (I thoughte) that this man came than to me of full feruent and charitable will: but now I knowe he came to tempt me, and to accuse me (God forgyve him, yf it be his will). And with all myne harte whan I hadde thoughte thus, I said to this clerke, Sir, I pray you that ye wolde fetche this man hither; and all the wordes as nere as I can repete them, which that I spake to hym on Fridaye in the pryson, I will reherse nowe here before you all, and before hym.

And (as I gesse) the Archebishop said than to me, 'They that are nowe here suffyse to repete them: how saidest thou to him?' And I said, Sir, that man came and asked me of diuerse thinges; and after his askynge I answered hym (as I vnderstoode) that goode was: and as he shewed to me by his wordes, he was sory of his lyuynge in courte, and right heuy for his owne vicious lyuynge; and also for the viciousnesse of other men, and speciallye of priestes euyll lyuynge: and herefore he sayde to me with a sorrowfull harte (as I gessed) that he purposed fully within shorte tyme for to leaue the court, and besy him to know Gods lawe, and to conforme all his lyfe thereafter. And whan he hadde said to me thes wordis and mo other, which I woulde reherse and he wer present, he praid me to heare his confession. And I said to hym, Sir, wherefore come ye to me to be confessed of me? ye wote well that the archebishop puttith and holdeth me here as one unworthy, other to gyue or to take any sacrament of holy chirche. And he said to me, 'Brother I wote well, and so wote many mo other, that you and soche other ar wrongfully vexed, and herefore I will comon with you the more gladly.' And I said to hym, Certeyn I wote well that many men of this court; and specially the priestis of this housholde, wolde be full euyll a payde, both with you and with me, if they wiste that ye wer confessed of me. And he said that he cared not therefore, for he hadde full little affection in them: and (as me thought) he spake thes wordis, and many other, of so goode will, and of so hye desire, for to haue knowen and done the pleasant will of God. And I said than to hym, as with my foresaid protestacion I say to you now here; Sir, I counsell you for to absente you frome all euyll company, and to drawe you to them that looue and besy them to knowe and to keape the preceptis of God: and than the good Spirite of God will mooue you for to occupie besily all your wittes, in gathering to gither of all your synnes, as far as ye can bethinke you, shamynge greatly of them and sorrowyng hartely for them, ye, sir, the holy Goste will than put in your harte a good will, and a feruent desyre for to take and to holde a good purpose to hate euer, and to flie (after your connyng and power) all occasion of synne: and so than wysdome shall come to you frome aboue, lightenyng with diuerse beamis of grace, and of heuenly desyre, all your wittes, enfourmyng you how ye shall truste stedfastely in the mercie of the Lorde, knouledgyng to him onely all your vicious lyuyng, praying to him euer deuoutely of charitable counsell and continuance, hoping without doute, that yf ye contynew thus besiyng you feithfully to knowe and to kepe his bidding is,

that he will (for he only may) forgyue you all your synnes. And this man said than to me, Though God forgyue men their synnes, yet it behoueth men to be assoyled of priestis, and to doo the penaunce that they enjoyne them. And I said to him, Sir, it is all one to assoyle men of their synnes, and to forgyue men their synnes: wherefore syns it perteinyth onely to God to forgive synne, yt suffisith in this case to counsell men and women for to leave their synne, and to comforte them that besye them thus to doo, for to hope steadfastely in the mercie of God. And ageynward, priestis owght to tell sharpely to customable synners, that if they will not make an ende of their synne, but contynew in diuerse synnes while that they may synne, all soche deserue peyn without any ende. And herfore priestis shoulde euer besy them to liue well and holily, and to teache the people besely and trewly the worde of God, shewing to all folke in open preaching, and in preuy counselyng, that the Lorde God onely forgeuyth synne. And therfore those priestis that take upon them to assoylve men of their synnes, blaspheme God: syns that it perteinyth only to the Lorde to assoyle men of all their synnes. For no doubte a thousande yeare after that Christe was man, no prieste of Christe durste take upon hym to teach the people nother priuely nor apertely, that they behoouyd nedis to come to be assolid of them, as priestis now doo. But by authoritie of Christis worde, priestis bound indured customable sinners to euerlasting peyns, which in no tyme of their lyuyng worde besy them feithfully to know the biddinges of God, nor to keape them. And ageyn, all they that would occupie all their wittes, to hate and to flie occasion of synne, dreding ouer all things to offend God, and loouyng for to please him continually, to thes men and women, priestis shewid how the Lorde assoileth them of all their synnes. And thus Christe promysed to conferme in heuen all the binding and loosyng, that priestis by authorite of his worde bynde men in synne that ar indured therein, or loose them out of synne here upon erthe that ar verely repentaunt. And this man hearing thes wordis said, that he myght well in conscience consent to this sentence; but he said, Is it not needful to the lay people that cannot thus doo, to go shriue them to priestis? And I said, Yf a man feale himself so distrobled with ony sinne that he cannot by his owne witte auoide this synne without counsell of them that ar herein wyser than he, in soche a case the counsell of a goode prieste is full necessarie. And if a good prieste faile, as they do now commonly, in soche a case seynt Augustine saith that a man may lefully comon and take counsell of a vertuous seculer man; but certeyn that a man or woman is ouer laden and to bestely, which cannot bryngs their own synnes into their mynde, besiyng them night and day for to hate and to forsake all their synnes, doyng a sighe for them after their connyng and power. And, sir, full accordingly to this sentence, upon Midlenton Sonday two yeare (as I gesse) now agone, I harde a monke of Eeuersham, that men called Moredon, preache at Canterbury at the crosse within Christe-Church abbey, saiyng thus of confession: As thorow the suggestion of the fende, without counsell of any other body, that of themself many men and women can ymagine, and fynde meanys and wayes inough to come to pride, to thefte, to lecheie, and to other diuerse vyces: in contrarie wyse this monke said, syns the Lorde God is more redy to forgyue synne, than the fende is or may be of power to mooue ony body to synne, than who so euer will shame and sorow hartely for their synnes, knouledging them feithfully to God, amending them after their power and connyng, without counsell of any other body than of God and hymself, thorow the grace of God, all soche men and women may fynde sufficient meanys to come to Goddis mercie, and so to be cleane assoilid of all their synnes. This sentence I said, Sir, to this man of yours, and the selfe wordis as nere as I can gesse.

And the Archebishop said, 'Holy Chirche approueth not this learnyng.' And I said, Sir, Holy Chirche of which Christ is hed in heuen and erthe, must nedys approue this sentence. For lo hereby all men and women may, if they will, be sufficiently tauchte to know and to kepe the commaundementis of God, and to hate and to flie continewally all occasion of synne, and to loue and to seke vertues besely, and to beleue in God stably, and to truste in his mercy stedfastly, and so to come to perfite charitie, and contynew therein perseuerently. And more the Lorde askith not of ony man here now in this lyfe; and certeyn, syns Jesu Christe dyed upon the crosse wilfully to make men fre, men of the chirche ar to bolde to besy to make men thrall, bynding them under the peyne of endlesse curse (as they say) to doo many observaunces and ordinaunces, which nother the lyuyng nor teaching of Christe, nor of his Apostles approueth.

And a Clerke said than to me, 'Thou shewist playnely here thy disceite which thou haste learnyd of them that trauell to sowe popill among wheate. But I counsell the to go away clene frome this learning, and submyt the lowly to my lorde, and thou shalt fynde hym yet to be gracious to the.' And as faste than another Clerke said to me. 'How wast thou so bolde at Paulis Crosse in London, to stonde there harde with thi tippet bounden about thyne bedde, and to repreue in his sermonne the woorthy clerke Aleerton, drawyng away all that thou myghtist; ye and the same day, at afternone thou metyng that woorthy doctour in Watlyng-strete, callidst hym false flaterer and ypocrite.'—And I said, Sir, I thynk certainly that there was no man nor wooman that lated verely synne, and loouyd vertues, hearing the sermonne of the clerke of Oxforde, and also Alkerton's sermonne; but they sayd or might justely say, that Alkerton reproouyd the clerke unstrewly, and sclaundered hym wrongfully and uncharitably. For no doute if the lyuyng and teaching of Christe chefely, and of

his apostles be trewe, no body that loueth God and his lawe, will blame any sentence that the clerke than preachid there, syns by authorite of Goddis worde, and by approued seyntis and doctours, and by open reason, this clerke approued all thingis clerly that he preached there.

And a Clerke of the Archebishops said to me, 'His sermonne was false, and that he shewith openly, syns he dare not stande forthe, and defende his preaching that he then preached there.' And I said, Sir, I thinke that he purposith to stande stedfastely thereby, or els he sclaundereth foully hym self, and also many other that haue great truste, that he will stande by the trewith of the gospell. For I wote well his sermonne is written both in Latyne and in Englysch, and many man haue it, and they sett great pryse thereby. And sir, if ye wer present with the Archebishop at Lambeth when his clerke apered, and was at his answer before the Archebishop, ye wote well that this clerke denyed not there his sermonne? but two days he maynteinyd it before the Archebishop and his clerkis.—And than the Archebishop, or one of his clerkis said, I wote not which of them, that harlot shall be met with for that sermonne. For no man but he and thou, and soche other false harlotis praisith ony soche preaching.

And than the Archebishop said, 'Your cursed secte is besy, and it joiethe right greately to contrarie, and to destroye the priuilege and fredome of holy chirche.'—And I said, Sir I knowe no man that trauell so besely as this secte dothe (which you repreue) to make rest and peace in holy chirche. For pride, couetousness and simony which distrooble moste holy chirche, this secte hatith and fliethe, and trauellith besely to mooue all other men in lyke maner unto meaknesse; and wilfull pouerte and charite, and fre ministryng of the sacramentis, this secte louyth and vaith, and is full besy to mooue all other folkis thus to doo. For thes vertues owe all membres of holy chirche to their hedde Christe.

Than a Clerke said to the Archebishop, 'Sir, it is ferre daies, and ye haue ferre to ryde to nyght: therefore make an ende with him, for he will none make. But the more, sir, that ye besy you for to drawe hym toward you, the more contumax he is made, and the ferder from you.' And than Malueren said to me, 'William knele down and praye my lorde of grace, and leaue all thy fantasies, and become a childe of holy chirche.' And I said, Sir, I have praied the Archebishop ofte, and yet I pray hym for the loue of Christe, that he will leaue his indignacion that he hathe ageinst me; and that he will suffer me after my connyng and power, for to doo myne office of priestehode, as I am chargid of God to do it. For I couete nought els but to serve my God to his pleasing, in the state that I stand in, and haue taken me to.

And the Archebishop said to me, 'Yf of good harte thou wilt submyt the now here mekely to be reulid fro this tyme forthe by my counsell, obeiyng meekly and wilfully to myne ordinaunce, thou shalt fynde it moste profitable and best to the for to doo thus. Therefore tary thou me no lenger, graunte to doo this that I haue said to the now here shortly, or deny it utterly.' And I said to the abp., Sir, owe we to beleue that Jesu Christe was, and is very God and very man? And the abp. said, Ye. And I said, Sir, owe we to beleue, that all Christis lyuyng and his teaching is trewe in euery poynte? And he said, Ye. And I said, Sir, owe we to beleue, that the lyuying of the apostles, and the teaching of Christe, and of all the prophetes, are true, which are written in the Bible for the health and saluacion of Goddes people? And he said, Ye. And I said, Syr, owe all Christen men and women after their connyng and power for to conforme all their lyuyng to the teaching specially of Christe, and also to the teaching and lyuynge of his apostles, and of prophetes, in all thinges that are plesaunt to God, and edification to his churche? And he said, Ye.

And I said, Sir, ought the doctrine, the bidding or the councell of ony body to be accepted or obeid unto, excepte this doctrine, thes biddinges or this counsell may be graunted and affermed by Christes lyuyng and his teaching specially, or by the lyuyng and teaching of his apostles and prophetes? And the Archebishop said to me, 'Other doctrine ought not to be accepted, nor we owe not to obey to any mannes bidding or councell, except we can perceyue that this bidding or counsell accordeth with the bidding and teaching of Christe, and of his apostles and prophets.' And I said, Sir, is not all the learninge and biddinges and counsellis of holy chirche meanes and healfull remedies to know and to withstond the preuy suggestions, and the aperte temptacions of the fende; and also wayes and healfull remedies to flee pride, and all other dedely synnes, and the braunches of them, and souereyn meanes to purchese grace, for to withstonde and ouercome all the fleschly lustes and mouynges? And the abp. said, Ye. And I said, Sir, whatsoeuer thing ye or ony other body bid or counsell me to do, accordingly to this foresaid learning, after my connynge and power throwe the helpe of God I will mekely with all myne harte obey thereto. And the Archebishop sayde to me, 'Submitt the than now here mekely and wilfully to the ordinaunce of holy churche, which I shall shewe to the.' And I said, Sir, accordingly as I haue here nowe before you rehersed, I will now be redy to obey full gladly to Christe the hede of all holy churche, and to the learnynge and biddynges and counselles of euery pleasynge membre of hym.

Than the Archebishop striking with his honde ferseylye upon a cupborde, spake to me with a greate spyrite, saying, 'By Jesu, but yf thou leaue soche addicions obliging the now here, without ony excepcion to myne ordinaunce, or that I go out of this place, I shall make the as sure as ony thefe that is in the pryson of Lantern. Adwyse the now what thou wilt do:' and

than as if he had ben angered, he went fro the cupborde where he stode to a wyndowe.

And than Malueren and another clerke came nerer me, and they spake to me many wordes full plesently: and another while they manased me, and counselled full besily to submyt me, or els they sayde, I shoulde not escape ponishing ouer mesure; for they saide I shoulde be degraded, cursed and burned, and so than dampned. But now they said, thou maiste eschewe all these mischeues, yf thou wilt submit the wilfully and mekely to thys worthy prelate that hath cure of the soule. And for the pytie of Christe (said they) bethinke the, howe great clerkes the bishop of Lincoln, Herford, and Purney, wer and yet are, and also B. that is a well vnderstondinge man, which also haue forsaken and reuoked all the learnynge and opinions, that thou and soche other holde. Wherefore syns eche of them is mekill wyser than thou arte, we counsell the for the beste, that by the example of thes four clerkes thou folowe them, submyttynge the as they did.—And one of the bishopes clerkes said than there, that he herde Nicoll Herforde say, that syns he forsoke and reuoked all the learning and Lolardes opinions, he hathe had mekill greater favour, and more delyte to holde ageinst them, than euer he hadde to holde with them while he helde with them.—And therefore Malueren said to me, 'I vnderstonde and thou wilt take the to a priest, and shryue the clene; forsake all soch opinions, and take thy penaunce of my lord here, for the holding and teaching of them, with in shorte tyme thou shalt be greatly conforted in this doing.'

And I said to the Clerkes that thus besyly counselled me to folow these forsaide men, Sirs, if thes men, of whome ye counsell me to take example, had forsaked benefyces of temporall profyte, and of worldly worshippe, so that they had absented them and eschewed frome all occasyons of couetousnesse, and of fleschely lustes, and had taken them to symple lyuynge, and wilfull pouerte, they hadde herein geuen goode example to me, and to many other to haue folowed them. But now, syns all thes foure men haue slaunderovsly and shamefully done the contrarye, consentyng to receyue and to haue and to holde temporall benefyces, lyuynge now more worldly and more fleschely than they did before, conformyng them to the maners of this worlde; I forsake them herein, and in all their forsaid slaunderous doynge. For I purpose with the help of God into remission of all my synnes and of my foule cursed lyuying, to hate and to flye prively and apertly, to folow thes men, teaching and counsellying whomesoeuer that I may for to flye and eschewe the waye that they haue chosen to go in, whiche will lede them to the worste ende, if in conuenient tyme they repente them not, verely forsakynge and reuokynge openly the slaunder that they haue put and euery daye yet put to Christes Churche. For certeyn so open blasphemye and slaunder as they have spoken and done in their reuokyng and forsakyng of the treuthe, ought not, nor maye not priuely be amended dewly. Wherefore, sirs, I praye you that ye besye you not for to mooue me to folowe these these men in reuokynge and forsakynge of the trewthe and sothefastenesse as they haue done and yet doo, wherein by open euydence they steire God to great wrothe, and not onely ageynst them selfe but also ageynste all them that fauoure them or consente to them herein, or that comoneth with them, except it be for their amendement. For whereas thes men firste were persued of enemyes, now they haue obliged them by othe for to slaunder and persue Christe in his members. Wherfor as I truste stedfastely in the goodnes of God, the worldly couetousnesse, and the lustie lyuyng, and the slyding fro the treuth of these runagates, shall be to me and to many other men and women an example, and an euidence to stonde the more stifly by the trewith of Christe. For certeyn, right many men and women doo marke and abhorre the foulnesse and cowardnesse of these forsaide untrewe men, howe that they are ouercome and stopped with benefyces, and withdrawen fro the treuth of Goddes worde, forsaking vtterly to suffer therfore bodely persecucyon. For by this vnfeithfull doynge and apostasie of them, specially that ar great lettered men and haue knowledged openly the treuth, and now other for pleasure or displeasure of tyrantes haue taken hyer and temporal wages to forsake the trewthe, and to holde against it, slaundering and persewing them that couete to folowe Christ in the waye of righteousnesse, many men and women therfore are nowe moued: but many mo, thorow the grace of God, shall be moued hereby for to learne the treuth of God, and to doo thereafter, and to stond boldely thereby.

Than the Archebishoppe sayde to his Clerkes, 'Besy you no lenger aboute hym; for he and other soche as he is ape confedered so to gither, that they will not sweare to be obedient, and to submytte them to prelates of holy chirche. For nowe syns I stode here, his felowe sente me worde that he will not sweare, and that he counselled hym that he sholde not sweare to me. And, losell, in that thynge that in the is, thou haste besyed the to loose thys yonge man; but blessed be God, thou shalt not haue thy purpose of hym: for he hath forsaken all thy learnynge, submyttyng him to be buxum and obedient to the ordinaunce of holy churche, and wepeth full bitterly, and curseth the full hartely for the venemous teachynge whiche thou haste shewed to hym, counsellying him to doo thereafter. And for thy false counsellynge of many other and hym, thou haste greate cause to be righte sory. For long tyme thou haste besied the to peruert whom so euer thou might best; therfore as many deathes thou arte worthy of, as thou hast geuen euell councelles. And therefore by Jesu thou shalt go thyther, where Nicoll Harforde and Tom Purnay were herbered. And I vndertake, or thys daye eighte dayes thou shalt be righte gladde for to doo what thynge that euer I bydde the doo.

And, Iosell, I shall assaye if I can make the there as sorowfull (as it was tolde me) thou waste gladde of my laste going out of England; by seynt Thomas I shall tourne thy joye into sorowe.'—And I sayde, Sir, there can no body preue lawfully that I ioyed euer of the manner of youre goynge out of this lande. But, sir, to saye the sothe, I was joyfull whan ye were gone; for the bishop of London, in whos pryson ye lefte me, founde in me no cause for to holde me lenger in hys pryson, but at the requeste of my frendes, he delivered me to them, asking of me no manner of submittyng.

Than the Archebishoppe said to me, 'Wherfore that I yede out of England is vnknowen to the; but be this thinge well knowen to the, that God (as I wote well) hath called me ageyne, and broughte me into this lande for to destroye the and the false secte that thou arte of, as by God I shall persue you so naroulye, that I shall not leave a steppe of you in thys lande.' And I said to the abp. Sir, the holy prophete Jeremy said to the false prophet Anany, 'Whan the 'worde that is the prophecye of a prophete is 'knowen or fulfilled, than it shall be knowen 'that the Lorde sent the prophete in treuthe.' —And the Archebishop, as if he hadde not been pleasid with my saiynge, turned hym awaye warde hyther and thyther, and sayde, 'By God I shall sette upon thy shynnes a pair of perlis, that thou shalt be gladde to chaunge thy voice.'

Thes and many mo wonderous and convicious wordes were spoken to me, manassing me and all other of the same secte for to be punished and destroyed vnto the vttermoste. And the abp. called than to hym a Clerke, and rowned with him; and that Clerke went forthe, and sone he brought in the constable of Saltwode Castell, and the abp. rowned a good while with hym, and than the constable went forthe, and than cam in diuerse seculers, and they scorned me on euery syde, and manassed me greatly; and some counselled the abp. to burne me by and by, and some other counselled hym to drounde me in the sea, for it is near hande there. And a Clerke standyng besyde me there, knelede downe to the abp., praiyng hym that he wolde delyuer me to hym for to saye matenes with hym, and he wolde vndertake that within thre dayes I sholde not resiste any thynge that were commaunded me to doo of my prelate. And the abp. said, that he would ordeine for me himselfe. And than after came in agayn the constable, and spake priuely to the abp. And than the abp. commaunded the constable to lede me forthe thens with hym, and so he did; and whan we wer gone forthe thens, we wer sent after ageyn. And whan I came in ageyne before the abp. a Clerke badde me knele downe, and aske grace, and submit me lowly, and I sholde fynde it for the beste.

And I said than to the abp. 'Sir, as I haue said to you diuerse tymes to-day, I will wilfully and lowly obey and submit me to be ordenid euer after my connyng and power to God, and to his lawe, and to euery membre of holy Chirche, as ferre forth as I can perceyue that thes membres accorde with their hedde Christe, and will teach me, rule me, or chastyse me by authority specially of Goddis lawe. And the Archebishop said, 'I wiste well he wolde not without soche addicions submit hym. And than I was rebukyd, scornyd, and manasyd on euery syde; and yet after this diuerse personas cried vpon me to knele down and submit me, but I stood still and spake no worde: and than there was spokyn of me, and to me many greate wordis: and I stoode and herde them manase, curse, and scorne me; but I said nothing.—Than a while after the Archebishop said to me, 'Wilt thou not submit the to the ordinance of holy Chirche?' And I said, Sir, I will full gladly submit me, as I haue shewid you before. And than the Archebishop badde the constable to haue me forthe thens in haste; and so then I was led forth, and brought into a foul unhoneste prison, where I came never before.

After this, it is not known what became of him; but most probably he died in prison.

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19. Proceedings against JOHN BADBY, for Heresy: 10 Henry IV. A. D. 1409. [Fox's Acts and Monuments, p. 679.]

IN the yeere of our Lord 1409, on Sunday being the 1st day of March, in the afternoone, the examination following of one John Badby, tailor, being a lay man, was made in a certaine house or hall within the precinct of the preaching friers in London, in an vtter cloister, vpon the crime of heresie, and other articles repugnant to the determination of the erroneous Church of Rome, before Thomas Arundell, archbishop of Canterbury, and others his assistants, as the archbishop of Yorke, of London, of Winchester, of Oxford, of Norwich, of Salisburie, of Bath, of Bangor, *et Menevensis Episcopi*, and also Edmund duke of Yorke, Thomas Bewford the chancellor of England, lord de Roos the clerke of the roles, and a great number of other lords both spirituall and temporall, being then at the selfe same time present; master Morgan read the articles of his opinions to the hearers, according as it is contained in the instrument sent by the foresaid master Morgan, the tenor whereof followeth, and in effect is such.—In the name of God, Amen. Be it manifest to all men by this present publike instrument, that in the yeere after the incarnation of our Lord, according to the course and computation of the Church of England, otherwise in the yeere 1409, in the second indiction, in the yeere of the popedome of the most holy father in Christ and Lord, lord Gregorie the xi. by the diuine permission pope, the second day of Januarie, in

the chapell Carnariæ, of Saint Thomas martyr, nigh vnto the cathedrall church of Worcester, being situate in the said diocesse, in the presence of me the publike notarie, and of the witnesses vnder written, the aforesaid John Badby a layman, of the said diocesse of Worcester, appearing personally before the reuerend father in Christ and Lord, lord Thomas, by the grace of God bishop of Worcester, sitting in the said chappell for chiefe iudge, was detected of and vpon the crime of heresie being heretically taught, and openly maintained by the foresaid John Badby: that is, that the sacrament of the body of Christ, consecrated by the priest vpon the altar, is not the true bodie of Christ by the vertue of the words of the sacrament. But that, after the sacramentall words spoken by the priest to make the body of Christ, the materiall bread doth remaine vpon the altar as in the beginning, neither is it turned into the very body of Christ after the sacramentall words spoken of the priest. Which John Badby being examined, and diligently demanded by the foresaid reuerend father concerning the premisses, in the end did answere; that it was impossible that any priest should make the body of Christ, and that he beleeued firmely that no priest could make the body of Christ, by such words sacramentally spoken in such sort. And also he said expressely that hee would neuer while he liued beleeue that any priest could make the body of Christ to be handled in the hands of the priest vpon the altar, in his corporall forme. And furthermore he said that John Raker of Bristoll had as much power and authoritie to make the like body of Christ, as any priest had. Moreouer he said, that when Christ sat at supper with his disciples, hee had not his body in his hand, to the intent to distribute it to his disciples; and he said expressely, that he did not this thing. And also he spake many other words teaching and fortifying the heresie in the same place, both grieuous, and also out of order, and horrible to the eares of the hearers, sounding against the Catholike faith.—Upon which occasion the same reuerend father admonished and requested the said John Badby oftentimes, and very instantly to charitie; for so much as he would willingly that he should haue forsaken such heresie and opinion holden, taught, and maintained by him, in such sort against the sacrament, to renounce, and vtterly abiure them, and to beleeue other things which the holy mother the Church doth beleeue. And he informed the said Iohn on that behalfe both gently, and also laudably. Yet the said Iohn Badby, although he were admonished and requested both often and instantly by the said reuerend father, said and answered expressely, that hee would neuer beleeue otherwise than before he had said, taught, and answered. Whereupon the foresaid reuerend father bishop of Worcester seeing, vnderstanding, and perceiuing the foresaid John Badby to maintaine and fortifie the said heresie, being stubborne, and proceeding in the same stubbornenesse, pronounced the said Iohn to be before this time conuicted of such an heresie, and that he hath bin and is an heretike, and in the end declared it in these words:

"In the name of God, Amen. We Thomas bishop of Worcester doe accuse thee Iohn Badby, being a lay man of our diocesse, of and vpon the crime of heresie, before vs sitting for chiefe iudge, being oftentimes confessed and conuicted of and vpon that, that thou hast taught, and openly affirmed, as hitherto thou dost teach, boldly affirme, and defend; that the sacrament of the body of Christ, consecrated vpon the altar by the priest, is not the true body of Christ; but after the sacramental words, to make the body of Christ by vertue of the said sacramentall words pronounced, to haue been in the crime of heresie; and we doe pronounce thee both to haue beene and to bee an heretike, and doe declare it finally by these writings."—These things were done accordingly as is aboue written, and are recited in the yeere, indiction, popedome, moneth, day, and place aforesaid, being present the same time John Malune prior of the cathedrall church of Worcester, John Dudle monke, and Haule the sub-prior of the said church, Thomas Penings of the order of the Carmelites, Thomas Fekenham of the order of the preaching Friers, William Pomfret of the order of the Minorites, being professors and masters in diuinitie, William Hales, Gualter of London, John Swippedew being publike Notaries, and William Beuchampe and Thomas Cerbris being knights, Richard Wish of Tredington, Thomas Wilbe of Hembury, Iohn Westen of Yewley, being parsons of churches, and Thomas Baleinges, the master of saint Wolston in Worcester, and also Henry Haggely, Iohn Penerell, Thomas Trogmorton and William Wasseborne, esquires of the diocesse of Worcester and Norwich, and many other worshipfull and honest men being witnesses and called specially to the things aforesaid.—And I Iohn Chew Clerke, of the dioces of Bathe and Welles, and by the authority apostolicall, publicque notarie of the said bishop, haue in testimonie of the premisses put my hand and seale to the examination, interrogation, monition, and answer of the same Iohn Badby, and to his obstinacie, and also to the proceedings of all and singular other doings as is aforesaid, which against him before the said bishop were handled and done, in the yeere, indiction, popedome, moneth, day, and place aforesaid, which with the forenamed witnesses was personally present: and the same, euen as I heard them and saw them to bee done (being occupied with other matters) I caused to bee written and published, and into this publike forme haue compiled the same. I the foresaid notarie am also priuie vnto the words and examinations interlined between seuen or eight lines of the beginning of this instrument, which lines I also the foresaid notarie doe approue and make good.—And I Walter London clerke, of the diocesse of Worcester, and, by the authoritie apostolicall, publike no-

tarie, to all and singular the foresaid things as afore by the foresaid notarie is recited, and in the yeere, indiction, popedome, moneth, day, and place aforesaid handled and done, being with other the forerecited witnesses personally present, and to all and euery of the same (as I saw and heard them to be done, being thereunto faithfully desired and required): in testimony of the premisses haue signed and subscribed according to the accustomed manner. Hæc ex Reg. Cant. And when the articles, in the foresaid instrument contained, were by the archbishop of Canturbury publikely and vulgarly read and approued; he publikely confessed and affirmed, that hee had both said and maintained the same. And then the archbishop to conuince the constant purpose of the said Iohn Badby, commanded the same articles againe to be read, often instructing him both by words and examples, informing and exhorting him that thereby he might bee brought the sooner to the religion that he was of. And furthermore the said archbishop said and affirmed there openly to the same Iohn, that he would (if he would liue according to the doctrine of Christ) gage his soule for him at the iudgement day. And after that againe he caused those articles in the said instrument expressed to be read by the foresaid Philip Morgan, and the said archbishop himselfe expounded the same in English as before: whereunto Iohn Badby answered: As touching the first article concerning the body of Christ, hee expresly said, that after the consecration at the altar, there remaineth materiall bread, and the same bread which was before: notwithstanding (said he) it is a signe or sacrament of the liuing God.—Also, when the second article was expounded vnto him, that it is impossible for any priest, &c. To this article he answered and said, that it could not sinke into his mind that the words are to be taken as they literally lie, vnlesse he should denie the incarnation of Christ.—Also being examined of the third artiele concerning Iacke Raker, hee said, that if Iacke Raker were a man of good liuing, and did loue and feare God, he hath as much power so to doe, as hath the priest: and said further, that he hath heard it spoken of some doctors of diuinitie, that if he should receiue any such consecrated bread, he were worthy to bee damned, and were damned in so doing.—Furthermore hee said that he would beleeve the omnipotent God in trinitie; and said moreouer, that if euery host being consecrated at the altar were the Lord's body, that then there be 20,000 gods in England. But he beleeued (he said) in one God omnipotent, which thing the foresaid archbishop of Canterbury denied not. —And when the other conclusion was expounded, That Christ sitting with his disciples at supper, &c. To this he answered and said, that he would greatly maruell, that if any man had a loafe of bread, and should breake the same and giue to every man a mouth-full, that the same loafe should afterwards be whole.—When all these things were thus finished, and all the said conclusions were often read in the vulgar tongue; the foresaid archbishop demanded of him, whether hee would renounce and forsake his opinions and such like conclusions or not, and adhere to the doctrine of Christ and Catholike faith? He answered, that, according to that he had said before, he would adhere and stand to those words, which before he had made answere vnto. Then the archbishop oftentimes required the said John, in the bowels of Jesus Christ that hee would forsake those opinions and conclusions, and that henceforth he would cleaue to the Christian faith; which thing to doe in the audience of all the lords and others that were present, hee expresly denyed and refused.—After all this, when the aforesaid archbishop of Canturbury, and the bishop of London had consulted together, to what safe keeping the said Iohn Badby (vntill the Wednesday next) might be committed; it was concluded, that hee should bee put into a certaine chamber or safe house within the mansion of the Friers preachers, and so he was: and then the archbishop of Canturbury said, that hee himselfe would keepe the keye thereof in the meane time. And when the foresaid Wednesday was expired, being the 15 day of March, and that the foresaid archbishop of Canterbury, with his fellow brethren and suffragans, were assembled the in church of Saint Paul in London; the archbishop of Canturbury taking the episcopall seat called vnto him the archbishop of Yorke, Richard London, Henry Winchester, Robert Chichester, Alexander Norwich, and the noble prince Edmund the duke of Yorke, Rafe earle of Westmerland, Thomas Beaufort knight, lord chancellour of England, and the lord Beamond with other noble men as well spirituall, as temporall, that stoode and sate by, whom to name it would bee long. Before whom the said Iohn Badby was called personally to answere vnto the articles premised in the foresaid instrument. Who when hee came personally before them, the articles were read by the officiall of the court of Canterbury and by the archbishop (in the vulgar tongue) expounded publikely and expresly: and the same articles, as he had before spoken and deposed, hee still held and defended, and said, whilest he liued, he would neuer retract the same. And furthermore, he said specially to bee noted, that the lord duke of Yorke personally there present, as is aforesaid, and euery man else for the time being, is of more estimation and reputation, than the Sacrament of the altar, by the priest in due forme consecrated. And whilest they were thus in his examination, the archbishop considering and weighing that hee would in no wise bee altered, and seeing moreouer his countenance stout and heart confirmed, so that he began to perswade other as it appeared in the same: these things considered, the archprelat, when hee saw that by his allurements it was not in his power, either by exhortations, reasons, or arguments, to bring the said Iohn Badby from his constant truth to his Catholike faith (executing and do-

ing the office of his great master) proceeded to confirme and ratifie the former sentence giuen before by the bishop of Worcester against the said Iohn Badby, pronouncing him for an open and publike heretike. And thus shifting their hands of him, they deliuered him to the secular power; and desired the said temporall lords, then and there present very instantly, that they would not put the same Iohn Badby to death for that his offence, nor deliver him to be punished or put to death, in the presence of all the lords aboue recited.—These things thus done and concluded by the bishops in the forenoone: in the afternoone, the king's writ was not farre behind. By the force wherof Iohn Badby, still perseuering in his constancie vnto the death, was brought into Smithfield, and, there being put in an empty barrell, was bound with iron chaines fastened to a stake having drie wood put about him.—And as he was thus standing in the pipe or tunne (for as yet Perillus bull was not in vse among the bishops) it happened that the prince, the king's eldest sonne, was there present. Who, shewing some part of the good Samaritane, began to endeuour and assay how to saue the life of him, whom the hypocriticall Leuites and Pharisies sought to put to death. Hee admonished and counselled him, that hauing respect vnto himselfe hee should speedily withdraw himselfe out of these dangerous labyrinths of opinions, adding oftentimes threatnings, the which might haue daunted any man's stomacke. Also Courtney, at that time chancellor of Oxford, preached vnto him, and enformed him of the faith of holy Church.—In this meane season the prior of Saint Bartlemewes in Smithfield brought with all solemnity the Sacrament of God's body, with twelue torches borne before, and so shewed the Sacrament to the poore man being at the stake. And they demanding of him how he beleeued in it, he answered, that he knew well it was hallowed bread, and not God's body. And then was the tunne put ouer him, and fire put vnto him. And when hee felt the fire, hee cried, Mercy (calling belike upon the Lord) and so the prince immediatly commanded to take away the tunne, and quench the fire. The prince, his commandement being done, asked him if he would forsake heresie to take him to the faith of holy Church; which thing if hee would doe, he should haue goods enough, promising also vnto him a yeerely stipend [of three-pence a-day out of the king's treasury as long as he lived. This offer he rejected, and was then burnt to death.]

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20. The Trial and Examination of Sir JOHN OLDCASTLE, Lord Cobham, for Heresy, before the Archbishop of Canterbury: 1 Hen. V. A. D. 1413. Collected by John Bale. [Holin. Chron. 544. *a.* 1 Hall's Chron. 24. *b.* Stow's Annals, 344. *a.* 1 Hale's P. C. 141. Fox's Acts and Monuments, 726, 845.]

AFTER that the true seruaunte of Jesus Chryst, Johan Wycleue, a man of very excellent lyfe and learning, had for the space of more than 26 yeares mooste valeauntly battelled with the great antichrist of Europa, or the Pope of Rome, and his diuersly disgysed host of anoynted hypocrites, to restore the Church again to the pure estate that Chryst left her in at hys ascensyon, he departed hens most christely into the handes of God, the yeare of our Lord 1387, and was buried in his owne parrish-church at Lutterworth in Leicestershere. No small nombre of godly dysciples left that good man behynd hym to defend the lowlynesse of the gospell against the exceading pryde, ambition, symony, auarice, ipocrysye, whoredom, sacrylege, tyrannye, ydolatrouse worshipinges, and other fylthy frutes of those stifnecked pharyses. Agaynst whome Thomas Arundel, than Archebishop of Caunterbury, so fierce as was Pharao, Antiochus, Herodes, or Cayphas, collected in Pauls church at London an unyuersall Synode of all the papisticall clergye of England, in the yere of our Lord 1413 as he had done diuerse other afore, to withstand their moost godly enterpryse. And thys was the fyrst yere of king Henry V. whom they had than made fit for theyr hande.—As these hygh prelates with their pharysees and scribes were thus gathered in thys pestilent councell against the Lorde and his Woorde, fyrst there resorted vnto them the 12 Inquisitours of Heresyes (whom they had appointed at Oxford the yere afore, to serche out heretikes with all Wicleues bookes) and they brought 266 faithfull Conclusyons whome they had collected as heresyes of the seyd bokes. The names of the seid Inquisitours where these; Johan Witnam a master in the New-college, Johan Languedon monke of Chry-Church in Conterbury, Wilyam Ufforde regent of the Carmelytes, Thomas Claxton, regent of the Dominikes, Robert Gylbert, Rycharde Earthysdale, John Lucke, Rycharde Snedisham, Richarde Flemming, Thomas Rottborne, Robert Rondbery, and Richard Grafsdale. In the meane season caused they their hyred seruantes to blowe it forth abroade throughout all the hole realme, that they were there congregated for an wholsome unite and reformacion of the church of Ingland, to stoppe so the mouthes of the comen people. Such is always the comen practise of these subtile sorcerers, whyls they are in doing mischief, to blere the eyes of the vnlearned multytude, with one false craft or other.

After a certain communication they con-

cluded among themselves, that it was not possible for them to make whole Christes cote without seme (meaning thereby their patched popysh synagoge) onlesse certeyne great men were brought out of the way, which semed to be the chefe mainteners of the seyd disciples of Wicleue: among whome the most noble knight sir Johan Oldcastell, the lord Cobham *(a)* was complained of by the generall proctours, yea rather betrayers of Christ in his faithful members, to be the chefe principal. Him they accused first for a mighty maintener of suspected preachers in the dioceses of London, Rochester, and Hereforde, contrary to the mindes of their ordynaries: not only they affirmed him to have sent thyder the seid preachers, but also to haue assisted them ther by force of armes, notwithstanding their sinodall constitucion made afore to the contrarye. Last of all, they accused him, that he was farre other wise in beleue of the Sacrament of the Altre, or Penaunce, of Pilgrymage, or Ymage-worshipping, and of the Ecclesiastycall power, than the holy churche of Rome had taught many years afore.

In the ende it was concluded among them, that wythoute anye farther delaye, processe shulde oute agaynst hym, as agaynst a moost pernycyous Heretike.—Som of that felloushyp, whyche were of more craftye experyence than the other, wold in no case haue that matter so rashlye handeled, but thought thys waye moche better. Consydering the seid lord Cobham was a man of great byrth, and in fauer at that tyme with the king, theyr counsell was to knowe first the kinges mynde, to saue all thynges right vp. This counsell was well accepted, and ther vpon the archbishop Thomas Arundell, wythe his other byshoppes, and a great part of the clergy, went strayght wayes vnto the kyng, as than remayninge at Kenyngton; and there layed forth most greuous complayntes against the saied lord Cobham, to his great infamy and blemysh, being a man most godly. The king gentilly harde those bloud thursty rauenours; and farre otherwise than became his princelye dignitie, he instauntly desyred them, that in respect of his noble stock and knighthode, they shuld yet fauourably deale with him; and that they wold, if it were possible, without all rigour or extreme handeling, reduce him again to the churches unite. He promised them also, that in case they were not contented to take some deliberacion, his selfe wold serously common the matter with him.

Anon after the kyng sent for the seyd lord Cobham; and as he was come, he called him secretly, admonishing him betwixt him and him, to submit him selfe to hys mother the holy church, and as an obedient chyld to acknowledge him selfe culpable. Vnto whom the Christen knight made this answere, 'You most worthy prince,' saith he, 'am I always prompt and wylling to obeye, for so moche as I knowe you a Christen kinge, and the appointed minister of God, bearing the sworde to the punishment of Yll-doers, and for the sauegarde of them that be vertuous. Unto you next my æternal God, owe I my whole obedience, and submit my thervnto, as I haue done euer, all that I have eyther of fortune or nature, redy at all times to fulfill what so euer ye shall in that lorde commaund me; but as touching the pope and hys spiritualty, truly I owe them neyther sute nor seruice; for so moch as I knowe hym by the Scriptures to be the great antichryste, the sonne of perdicyon, the open adversary of God, and the abominacyon standing in the holy place.' Whan the king had hearde this, with sochelyke sentences more, he wolde talke no longer with him, but lefte hym so vtterly.

And as the Archebishop resorted again vnto him for an Answere, he gaue him his full auctorite to cyte hym, examine hym, and punyshe him according to the deuelishe decrees, whiche they call the lawes of holy church. Than the seid abp. by the councell of hys other bishoppes and clergy, appointed to call before him syr John Oldcastell, the lord Cobham, and to cause him personally to appeare to answere to suche suspect Articles as they shuld lay against him. So sent he forth his chefe sommener, with a very sharp citacion, vnto the castell of Cowling, where as he at that tyme dwelt for his solace. And as the seyd sommener was thether comen, he durste in no case entre the gates of so noble a man without his lycens; and therefore be returned home agayne, hys message not done. Than called the archebishop one John Butler unto him, whych was than the dorekeper of the kynges prive chamber, and with him he couenaunted through promises and rewards to haue this matter craftely brought to passe vnder the king's name. Wherevpon the seyd John Butler toke the archebyshops sommener with hym, and went vnto the sayd lord Cobham shewing him that it was the king's pleasure that he shuld obeye that citacyon, and so cyted him fraudulently. Than said he vnto them in few woordes, that in no case wold he consent to those moost deuelish practices of the priestes. As they had informed the abp. of the Answere, and that it was mete for no man priuately to cyte him after that without parell of lyfe, he decreed by and by to haue him cyted by publicke processe or open commaundment. And in al the hast possible, uppon the Wednysday before the natiuite of oure Ladye in September, he commaunded letters citatory to be set vpon the great gates of the Cathedral Church of Rochester, (which was but iij. English myles from theirs) charging him to apere personally before him at Ledys, in the 11th daye of the same moneth and yeare, all excuses to the contrary set apart. Those letters were taken downe anon after, by such as bare fauer vnto the lorde Cobham, and so conueyed asyde. After that caused the archebishoppe newe letters to be set vpon the natiuitie day of our Ladye, which also were rent downe and vtterly consumed.

Than for so moche as he did not apeare at

(a) So called in right of his wife, who was grand-daughter and heir of lord Cobham.

the day appoynted at Ledys (where as he sate in consistory, as cruell as euer was Cayphas, with his court of hipocrites aboute him) he judged hym, denounced him, and condemned him of most depe contumacy: after that whan he had bene falsely informed by his hierd spyes, and other glosing glauerers, that the sayd lord Cobham had lawghed him to scorne, disdayned all his doings, mainteined his old opinions, contemned the churches power, the dignitie of a bishop, and the ordre of presthode (for all these was he than accused) in hys mody madnes, without just profe, dyd he openly excommunicate him. Yet was he not for all this fierce tiranny qualifyed, but commaunded him to be cited a fresh, to apere afore him the Saturday before the feast of Saint Mathew the apostle, with these cruell threatinges added therunto; That if he did not obey at that day, he wold more extremely handle him: and to make him selfe more strong towardes the perfourmance thereof, he compelled the lay-power, by most terrible menacinges of curses and interdictions, to assyst him against that cedicious apostate schismatike, that heretike, that troubler of the publycke peace, that enemye of the realme, and greate adversarye of all holy chirche; for all these hateful names dyd he giue him.

This most constaunt seruant of the lord and worthy knight sir Johan Oldcastell, the lord Cobham, beholding the vnpacable fury of Antichrist this kindeled against him, perceiuing him self also compased on every side with deadly daungers, he toke paper and penne in hand, and so wrote a Christen confession or Rekening of his Faith (which foloweth here after) and both signed and sealed it with his own hande? Wherein he also answereth to the 4 chefest Articles that the Archebishop layed against him. That doone, he toke the copye with him, and wente therwith to the kyng, trustinge to fynd mercy and fauer at his hande. None other was that Confession of his, than the common beleue or somme of the churches faith, called the Apostles Crede, of all christen men than vsed: As thus.

The Christen Beleue of the Lord Cobham.

"I beleue in God the Father Almighty, maker of heuen and earth; and in Jesu Christ his only Sonne our Lord, which was conceyued by the Holy Gost, borne of the Virgin Mary, suffred vnder Ponte Pilate, crucified, dead, and buried, went doun to helle, the third daye rose againe from death, ascended vp to Heuen, sitteth on the right hand of God the Father Almightye, and from thens shall come agayne to judge the quicke and the dead. I beleue in the Holy Gost, the vniversall holy churche, the communion of sainctes, the forgeuenes of sinnes, the vprising of the flesh, and everlasting life. Amen.—And for a more large Declaracion of this my Faith in the Catholick Church, I stedfastly beleue that there is but one God Almighty, in and of whose godhead are these iii. parsonnes, the Father, the Sonne, and the Holy Gost, and that those iii. parsonnes are the same selfe God Almyghtyes. I beleue also that the seconde parsonne of this most blessed Trinite, in most conuenient tyme appointed thereunto afore, toke flesh and bloud of the most blessed Virgyn Mary, for the sauegard and redempcion of the uniuersall kynd of man, which was afore lost in Adam's offence. Moreouer, I beleue that the same Jesus Christ our Lord thus being both God and man, is the onely head of the whole Christen Churche, and that all those that hath bene, or shal be saued, be membres of this most holy church: and this holy church I think to be diuided into iii. sortes or companyes.—Wherof the first sort be now in heauen, and they are the sayuctes from hens departed. These, as they were here conuersaunt, conformed alwayes theyre lyues to the most holye lawes and pure examples of Chryste, renouncyng Sathan, the worlde, and the flesh, wythe all their concupicences and euels. The second sort are in purgatory (yf any such be by the scriptures) abydying the mercy of God, and a full delyuerance of Payne. The thyrde sorte are here uppon the earth, and be called the Church Mylytaunt. For daye and nyght they contend agaynst the crafty assaultes of the deuel, the flattering prosperities of thys worlde, and the rebellyouse fylthynes of the fleshe.—Thys latter congregation by the juste ordinaunce of God is also seuered into three diuerse estates, that is to say into priesthode, knighthode, and the comens. Amonge whom the wyll of God is, that the one shuld ayde the other, but not destroye the other. The priestes fyrst of all secluded from all worldlynesse shuld conforme theyr lyues vtterly to the examples of Chryst and his Apostles. Euermore shulde they be occupied in preaching and teaching the Scriptures purely, and in geuing wholsom counsels of good liuing to the other two degrees of men. More modest also, more louing, gentyll, and lowleye in spirite shuld they be than any other sortes of people. —In knighthode are all they whych beare sword by lawe of office. These shuld defende Gods lawes, and see that the gospell were purely taught, conforming their lyues to the same, and secludynge all false preachers: yea these ought rather to hasard their lyues than to suffer such wycked decrees as eyther blemisheth the eternal Testament of God, or yet letteth the fre passage thereof, whereby heresies and schismes might spring in the church. For of none other ryse they as I suppose, than of erronyous constitucions, craftely fyrst creping in under hypocrites lyes for auauntage. They ought also to preserue Gods peple from oppressors, tirauntes, and theues, and to se the clergy supported so long as they teache purely, pray rightly, and minister the Sacraments frely. And if they se them do otherwise, they are bound by law of office to compell them to chaunge their doinges, and to se all thinges performed according to Gods prescript or ordinaunce.—The latter fellouship of this church are the common people, whose dewtye is to beare their good mindes and true obedience to the aforeseyd

ministers of God, their kinges, cyuile gouernours and priestes. The right office of these is justly to occupy euery man in his faculte, be it merchaundise, handy-craft, or the tilthe of the grounde. And so one of them to be as an helper to another, followynge all wayes in theyr sortes the just commaundementes of theyr Lord God.—Ouer and besydes all thys, I moost faithfully beleue that the sacramentes of Chrystes church are necessary to all Chrysteu beleuers, thys always sene to, that they be truly ministred according to Christes fyrst institucion and ordinaunce. And for so moch as I am malyciously and most falsely accused of a misbeleue in the sacrament of the aulter, to the hurtfull slaundre of many; I signifye here unto al men, that this is my fayth concerning that. I beleue in that sacrament to be contayned very Christes body and bloude under the similytudes of breade and wyne, yea, the same body that was conceyued of the Holy Gost, born of Mary the Virgin, done on the crosse, dyed, that was buried, arose the thyrd day from the death, and is now glorified in Heauen. I also beleue the vniuersal lawe of God to be moost true and perfight, and they which do not so followe it in theyr fayth and workes at one time or other, can neuer be saued. Where as he that seketh it in faith, accepteth it, learneth it, delyghteth therein, and perfourmeth it in loue, shall tast for it the felicity of euerlasting innocency.—Finally, this is my faith also, that God wyll axe no more of a Christen beleuer in this lyfe, but only to obey the preceptes of that most blessed law. If any prelates of the churche require more, or elsse anye other kynd of obedience, than thys to be vsed, he contemneth Christ, exalting himself aboue God, and so becometh an open Anti-Christe. All these premisses I belieue particularlye, and generally all that God hath left in his holy scryptures that I shuld beleue: instauntly desiring you, my lyege Lord and most worthy king, that thys confession of mine may be justly examined by the most godly, wise, and learned men of your realme. And if it be found in all pointes agreying to the verite, than let it be so allowed, and I thervppon holden for none other than a true christiane. If it be proued otherwise, than let it be vtterly condemned: prouided alwaies, that I be taught a better releue by the word of God, and I shall most reuerently at al times obey therunto."

Thys brefe confessyon of hys fayth, the lorde Cobham wrote, and so toke it wyth hym to the court, offeryng it wyth all mekenesse vnto the kyng to rede it ouer. The kyng wold in no case receiue it, but commaunded yt to be delyuered unto them that shuld be his Judges. Than desyred he in the kinges presens, that an hondred knights and esquiers might be suffered to come in vpon hys purgacyon, which he knewe wolde clere him of all Heresyes. Moreouer he offred hymself after the law of armes, to fyght for lyfe or death with any man lyuing, Christen or Heythen, in the quarrell of his faith, the king and the lordes of his counsell excepted. Fynally, with all gentilenesse he protested before all that were present, that he wold refuse no manner of correction that shuld after the lawes of God be ministred vnto him; but that he wold at all times with all mekenes obey it. Notwithstandyng all thys, the kyng suffered him to be summoned personally in his own preuy chambre. Than sayed the lord Cobham to the kyng, that he had appealed from the archbyshop to the pope of Rome, and therefore he ought, he sayd, in no case to be his judge. And hauyng hys Appeale there at hande redye written, he shewed yt wyth all reuerence to the kyng. Wherwith the kyng was than moche more displeased than afore, and sayd angerlye unto him, that he shuld not pursue his Appeal: but rather he shuld tarry in hold, tyll such time as it were of the pope allowed. And than, wold he or nyld he, the archebishop shuld be his judge. Thus was there nothing allowed that the good lorde Cobham had lawfully afore required. But for so moch as he wold not be sworn in all things to submit himselfe to the church, and so to take what penaunce the archbishoppe would enjoyne him, he was arested againe at the kinges commaundment, and so led forth to the Tower of London, to kepe his day (so was it than spoken) that the archbyshop had appoynted him afore in the kinges chambre.

Than caused he the aforesayd Confession of his Faith to be coppyed againe, and the Answere also (which he had made to the iiij. Articles proponed agaynst him) to be wryten in maner of an Indenture in two shetes of paper; that whan he shuld come to his Answere, he might geue the one copy vnto the archebishop, and reserue the other to himselfe. As the day of Examination was comen, whyche was the xxiij. day of Septembre, the Saturday before the feast of saint Mathewe, Thomas Arundell the archebyshop, sytting in Cayphas Roume, in the Chapterhouse of Paules, wyth Richard Clyfforde bisshop of London, and Henry Bolingbroke bisshop of Winchester, sir Robert Morley knight and lefetenaunt of the Towr, brought personally before him the seid Lord Cobham, and there left hym for the time, vnto whom the archebishop sayd these wordes:

The fyrst Examination of the Lord Cobham, September 23.

"Sir John, in the last general Conuocation of the clergye of thys our prouynce, ye were detected of certain Heresyes, and by sufficient witnesses founde culpable; whervppon ye were by fourme of spirituall lawe cyted, and wolde in no case appeare: In conclusion, vppon your rebellyous contumacie, ye were both priuatelye and openlye excommunicated. Notwythstanding we neuer yet shewed oure selfe unreadye to haue geuen you youre absolucion (nor yet do not to thys houre) wolde ye haue mekely axed it." Unto this the lord Cobham shewed as though he had giuen none eare, hauing his mynde otherwise occupied, and so desyred none absolucion; But he sayd, he wold gladly

before him and his brethren make rehersall of that Fayth, which he helde and entended always to stande to, yf it wolde please them to lycens him therunto; and than he toke out of hys bosome a certein writing endented, concerning the Articles whereof he was accused, and so openly redde it before them, geuing it vnto the archebyshop, as he had made thereof an ende; whereof thys is the copy:

"I Johan Oldecastell knight and lord Cobham, wyll all Chrysten men to vnderstand, That Thomas Arundell, archbyshop of Canterbury hath not onely laid it to my charge malityously, but also very vntruly hy hys letter and seale, written against me in most slanderouse wyse, that I shuld otherwyse fele and teach of the Sacramentes of the Church (assigning specyally the Sacrament of the Aulter, the Sacrament of Penaunce, the worshipping of Ymages, and the going of Pilgrimage vnto them) far other wise than either beleueth or teacheth the vniuersall holye churche. I take Almyghte God vnto wytnesse, that yt hath bene and nowe is, and euermore wyth the helpe of God yt shall be my full intent and wyll, to beleue faythfully and wholy all the sacramentes that ever God ordeined, to be minystred in the holy church; and morouer, for to declare me in these iiij. points afore rehersed.—I beleue that in the moost worshypfull sacrament of the alter, is Christs very body in forme of bread, the same body that was borne of the blessed Virgin Mary, done on the crosse, dead and buried, and that the thyrd day arose from death to lyfe, the which body is nowe glorified wyth the Father in heaven. And as for the sacrament of penaunce, I beleue that it is nedefull to all them that shall be saued, to forsake theyr sinne, and to do penaunce for it wyth true contricion to God, confession of their fautes, and dewe satisfactyon in Chryste, lyke as Gods laws limiteth and teacheth, els can they haue no saluation; This penaunce I desyre all men to do. And as for Images, I vnderstand that they perteyn nothing to our Christen beleue, but were permitted long sins the faith was geuen vs of Christ, by sufferance of the churche, for to be as kalendars vnto laymen, to represent or bring to mind the passion of our Lorde Jesus Christ, with the martirdom and good liuing of the saintes.—I think also, that whatsoeuer he which doth that worship to dead ymages, that is duely belonging vnto God, or that putteth his faith, hope, or confidence in the helpe of them, as he shuld do only in his eternal lyuing God, or that hath affection in one more than in an other, he perpetrateth in so doing the abhominable sine of idolatry. Moreouer in this am I fully perswaded, that everye man dwellynge on thys ærth is a pilgrim, eyther towardes blesse, or els towardes payne.—And that he which knoweth not, nor wyll not knowe, nor yet kepe the holy commaundementes of God in hys lyuyng here (all be it that he goth on pylgrymage into all quarters of the worlde) yf he departeth so, he shall surely be dampned. Agayne, he that knoweth the holy commaundementes of God, and so performeth them to the ende of his life to his power, shal without fayle be saued in Christ, though he neuer in his lyfe go on pylgrimage as men vse now a dayes, to Caunterbury, Walsingham, Compostell, and Rome, or to any other places."

Thys Answere to his Articles thus ended and redde, he delyuered it to the bysshopes, as is sayde afore. Than counceled the archbisshop wythe the other two byshoppes, and with dyuerse of the doctours, what was to be done in thys matter, commaunding him for the time to stand aside. In conclusion, by theyr assent and informacion, he sayd thus vnto him: Come hyder sir Johan; in this your Writing are many good thinges conteyned, and ryght Catholyck also, we deny yt not; but ye must consyder that thys daye was appoynted you to answere to other poynts concerning those Articles, whereof as yet no mencion is made in this your byll: and therefore ye must yet declare vs your mind more plainly; as thus, Whether that ye holde, affirme, and beleue, that in the Sacrament of the Alter, after the Consecracion rightly done by a pryest, remaineth materall breade or not? Moreouer, whether ye do hold, affirme, and beleue, that as concerning the sacrament of penance (wher as a competent nombre of priests are) everye Chrysten manne is necessarely bound to be confessed of hys synnes to a priest ordayned by the church or not?'

After certein other communication thys was the Answere of the good lord Cobham, 'That none otherwise wold he declare his minde, nor yet answere vnto hys Articles, than was expresselye in hys wrytinge there conteyned.' Than sayd the archbishop againe vnto him, 'Syr Johan bewar what ye do; for if ye answere not clerely to those thinges that are here objected against you, specially at the time appointed you only for that purpose, the lawe of holy church is, that compelled ones by a judge, we may openly proclayme ye an heretike.' Unto whom he gaue this Answere, Do as ye shall thinke it beste, for I am at a point. Whatsoeuer he or the other bysshoppes did aske him after that, he bad them resort to his byll, for therby wold he stande to the verye death; other Answere wold he not geue that day: wherwith the bisshops and prelates were in a maner amased and wonderfully disquyeted. At the last the Archbishop counselled again with his other bishops and doctours, and in the end therof declared vnto him what the holy church of Rome, folowing the sayinges of Saint Austyn, Saint Hierom, Saint Ambrose, and of other holy doctours, had determined in these matters, no manner of mencion ones made of Christ; which determinacion (sayth he) ought all Chrysten menne bothe to beleue and to folowe.

Than said the lord Cobham vnto him, That he wold gladlye bothe beleue and obserue whatsoeuer the holy church of Christes instytucion had determined, or yet whatsoeuer God had willed him eyther to beleue or to do; but

that the pope of Rome with his cardinals, archbyshopes, bishopes, and other prelates of that church, had laufull power to determyne suche matters as stode not with his word throughly, that wolde he not (he sayd) at that tyme affyrme. Wyth thys the archbyshoppe bad hym to take good aduysement tyll the Mondaye nexte followinge (which was the xxv. daye of September) and then justlye to answere specyallye vnto thys pointe, Whether there remayned materyal breade in the Sacrament of the Aulter, after the wordes of consecration, or not? He promysed him also to sende vnto him in wryting those matters clerely determined, that he myght than be the more perfyght in hys answere making; and all this was not els but to blynde the multitude with somwhat. The next day following (according to his promes) the archbishop sent unto him into the Towr this folysh and blasphemouse Writting, made by him and by his vnlearned clergye.

The Determination of the Archbishop and Clergye.

"The Faith and Determination of the holy church touching the blesful Sacrament of the Aulter, is this, That after the sacramentall wordes be ones spoken by a priest in his masse, the materiall bread, that was before bread, is turned into Christes very body; and the materyall wyne, that was before wyne, is turned into Chrystes very bloud; and so there remayneth in the sacrament of the aulter, from thens forth, no materyall breade, nor materiall wyne, which were there before the sacramentall wordes were spoken. How beleue ye this Article? Holy Churche hath determined, that euery Chrysten man lyuing here bodyly vppon earth, ought to be shriuen to a priest ordeyned by the church, if he may come to him: How fele ye thys Article?—Christ ordeyned Saint Peter the apostle to be his vicar here in earth, whose see is the holy church of Rome; and he graunted that the same power which he gaue vnto Peter, shuld succede to al Peters successours, which we call now popes of Rome; by whose speciall power in churches particular, be ordeyned prelates, as archbishops, byshops, parsons, curates, and other degrees more, unto whom Christen men ought to obeye after the lawes of the churche of Rome. Thys is the determinacion of holy church: how fele ye this Article? Holy Church hath determined, that it is meritoryous to a Christen man to go on pilgrymage to holy places, and there specially to worship holy relyques and ymages and saintes, apostles, martirs, confessours, and all other saintes besydes, approued by the church of Rome: howe fele ye thys Artycle?"

And as the good lord Cobham had red ouer thys moost wretched Wryting, he maruelled greatly of their madde ignoraunce; but that he consydered agayne, that God had geuen them ouer for theyr unbeleues sake, into moost depe errours and blindnesse of soule. Agayne, he perseyued therby, that theyr vttermost malyce was purposed against him, howsoeuer he shulde answere; and therefore he put his lyfe into the handes of God, desyring his onely spyrit to assist him in his next answere. Whan the seyd xxv. day of Septembre was come (which was also the Monday afore Myghelmasse) in the sayd yeare of our Lorde, 1413, Thomas Arundell, the Archbishop of Caunterbury, commaunded his judiciall seate to be remoued from that chapterhouse of Pauls, to the Dominike Fryers wythin Ludgate at London; and as he was there set with Rychard the bishop of London, Henry the bishop of Winchester, and Benet the bishop of Bangor, he called in vnto him his counsell and his officers, with diuerse other doctours and friers; of whom these are the names here followynge. Master Henry Ware, the officyall of Caunterbury; Philip Morgan, doctor of both lawes: Howell Kiffin, doctor of the canon lawe; Johan Kempe, doctour of the canon law: Willyam Carleton, doctour of the canon lawe; Johan Witnam, of the New College in Oxford; Johan Whighthead, a doctour of Oxforde also; Robert Wonbewell, vicar of Saint Laurence in the Jewry; Thomas Palmer, the Warden of the Mynors; Robert Chamberlaine, Prior of the Dominickes: Rychard Dodington, Prior of the Augustines; Thomas Walden, Prior of the Carmclites, all doctours of diuinite; Johan Steuens also, and James Cole, both notaries, appointed there purpously to write all that shuld be eyther said or done: all these, with a great sort more of pryestes, monks, channons, friers, parish-clarkes, belringers, and pardoners, disdained him with innumerable mockes and scornes, rekening him to be an horrible heretik, and a man acursed afore God.

Anon the Archbyshoppe called for a Masseboke, and caused all those prelates and doctoures to sweare there vpon, that everye man shoulde faythfullye doo hys offyce and dewtye that daye; and that neyther for fauer nor feare, loue nor hate of the one partye nor the other, any thing shuld ther be witnessed, spoken, or done, but according to the trueth, as they wold answere before God and all the world at the day of dome. Than were the two forseyd notaries sworne also to wryt and to witnes the wordes and processe that ther shuld be vttered on both parties, and saye their mindes (if they otherwise knewe it) before they shuld regester it; and all thys dissimulation was but to colour their mischeues before the ignoraunt multytude. —Consydre herin (gentyll reader) what this wicked generacion is, and how farre wyde from the just feare of God; for as they were than, so are they yet to this daye.—After that cam forth before them sir Robert Morley knight, and lefetenaunte of the Tower, and he brought with him the good lord Cobham, there leauing him among them, as a lambe among wolues, to his Examinacion and Answere.

The latter Examinacion of the Lord Cobham, September 25.

Than sayd the Archbyshoppe vnto hym, "Lord Cobham, ye be aduysed (I am sure) of

the woordes and processe which we had vnto you vppon Saturdaye last past in the Chapterhouse of Paules, which proces were now to long to be rehearsed agayne: I sayd vnto you than, that ye were acursed for your contumacy and disobedience to holy Church, thinking that ye shulde with mekenes haue desired your absolucion.' Than spake the lorde Cobham with a most cherefull contenaunce, and sayd, God sayth by his holye prophet, *Maledicam benedictionibus vestris*, which is as much as to say, I shall curse, wher as you blesse.—The Archbisshop made than as though he had continued for the thys tale, and not heard him, saying, 'Sir, at that tyme I gentilly proferd to haue assoyled you if ye wold haue asked it: and yet I do the same, if ye will humblye desyre it in due forme and maner, as holy Church hath ordeined.' Than sayd the lord Cobham, Naye, forsoth, wyll I not, for I neuer yet trespassed against you, and therefore I will not do it: and with that he kneled downe on the pauement, holding vp hys handes towards heauen, and sayed, I shryue me here vnto the my eternall lyuynge God, that in my frayle youth I offended the (Lorde) most greuously in pryde, wrath, and glottony, in couetousnes and in lechery. Many men haue I hurt in mine anger, and done manye other horryble synnes, good Lord I aske the mercy; and therwith wepingly he stode up againe, and sayd with a mighty voice, Lo, good people, lo, for the breaking of God's lawe, and his great commaundements, they never yet cursed me; but for theyr owne lawes and tradicions most cruelly do they handle both me and other men; and therefore both they and theyr lawes, by the promes of God, shall vtterly be destroied.

At this the Archbishop and hys companye were not a lytle blemyshed; notwithstanding he toke stomack vnto him agayn, after certain wordes had in excuse of theyr Tyrannye, and examined the lorde Cobham of his Christen Beleue. Whereunto the lorde Cobham made thys godly Answere. 'I beleue fullye and faythfullye the vnyuersall lawes of God; I beleue that all is true which is conteyned in the holy sacred Scriptures of the Byble; finally, I beleue all that my Lorde God wolde I shulde beleue.'—Than demaunded the Archbishop an Answere of the Byll which he and the clergy had sent him into the Tower the day afore, in maner of a Determynacion of the Church concerning the 4 Articles whereof he was accused, specially for the Sacrament of the Alter, how he beleued therein? — Wherunto the lord Cobham said, That with that Byll he had nothing to do; but this was his Beleue concerning the Sacrament, That his Lord and Sauer Jesus Christ, sytting at hys last Supper with his most dere disciples, the night before he shuld suffer, toke bread in his hand, and geuing thanks to his eternal Father, blessed it, brake it, and so gaue vnto them, saying, 'Take it vnto ye, 'and eate therof all; this is my body which 'shall be betraid for you, do this here after in my 'remembrance.' This do I thoroughly beleue for this Faith am I taught of the Gospell in Mathew, in Marke, and in Luke, and also in the first Epistle of Saint Paul to the Corinthians, chap. ii.

Then asked the Archbyshoppe, 'If he beleued that it were breade after the consecracion or sacramentall wordes spoken ouer it.' The lord Cobham sayd, 'I beleue that in the Sacrament of the Aulter is Christs very body in fourme of breade, the same that was born of the Virgin Mary, done on the crosse, dead, and buried, and that the third day arose from death to lyfe, whych nowe is glorified in heauen.'—Than sayd one of the doctors of lawe, 'After the sacramentall wordes be vttered, there remaineth no breade but the onely body of Christ.' The lorde Cobham said than to one Master Johan Whighthead, 'You said ones unto me in the castell of Coulynge, that the sacred Host was not Chrystes body; but I helde than against you, and proued that herein was his body, though the Seculars and Friers could not therin agree, but helde yche one against another in that opinyon: these were my woordes than if ye remembre it.'—Than shouted a sort of them together, and cryed with great noyse, 'We say all that it is God's body.' And dyuerse of them asked hym in great anger, Whether it were materiall breade after the consecracyon or not? Than loked the lord Cobham earnestly vppon the Archbishop, and sayde, 'I beleve surely that it is Chrystes body in fourme of breade; sir, beleue not you thus?' And the Archbisshoppe sayd, 'Yes mary do I.'

Than asked him the Doctours, Whether it were onely Christes body after the consecration of a priest, and no bread or not? And he sayd vnto them, It is both Christs body and bread. I shall proue it as thus: for lyke as Chryst dwelling here vppon the earth, had in him both Godhede and manhead, and had the inuisible godhead couered under that manhead, which was only visible and seane in him: so in the Sacrament of the Aulter is Christes very body and very bread also, as I beleue the breade is the thyng that we see with our eyes, the bodye of Christ (whiche is his flesh and his blood) is there vnder hydde, and not seane, but in fayth. And moreouer, to prove that it is both Christ's bodie and also bread after the consecration, it is by plaine words expressed by one of your owne doctors [Gelasius contra Eutychen,] writing against Eutyches, which saith: Like as the selfe same Sacraments doe passe by the operation of the Holy Ghost, into a diuine nature, and yet notwithstanding keepe the propertie still of their former nature: so, that principall mystery declareth to remaine one true, and perfect Christ, &c.—Than smyled they yche one vppon other, that the people shulde judge hym taken in a greate heresye: and wyth a great bragge diuerse of them sayde, It is a foule Heresy.

Than asked the Archbishop, 'What breade it was?' And the Doctours also inquired of hym, whether it were materyall or not? The lord Cobham sayd unto them, the Scriptures maketh no mencion of this woorde materyall;

and therefore my Faith hath nothing to do therwith: but thys I say and beleue it, that it is Christes bodye and breade; for Chryst sayde in the syxt of Johans Gospell, *Ego sum panis vivus, qui de Cælo descendi;* I which came downe from heauen am the lyning, and not the dead bread: therefore I say now again, like as I said afore, as our Lord Jesus Chryst is very God and very Man, so in the most blessed Sacrament of the Aulter, is Chrystes very body and breade.—Than seyd they all with one voyce, 'It is an Heresye.'

One of the Byshoppes stode vp by and by, and said, 'What, it is an heresye manyfest, to saye that it is breade after the sacramentall wordes be ones spoken, but Chrystes body onely.' The lord Cobham said, Sainct Paule the Apostle was, I am sure, as wyse as you be nowe, and more godlye learned. And he called yt breade, wrytting to the Corinthians, 'The breade that we breake,' sayth he, 'is it not the partaking of the body of Christ?' Lo, he calleth it bread and not Christes body, but a meane whereby we receyve Christes body. Than sayd they agayne, Paule must be otherwise vnderstanded. For it is surely an heresye to saye that it is breade after the consecration, but onely Chrystes body. The lord Cobham asked, howe they coulde make good that sentence of theirs? They answered him thus, For it is against the determination of holy Churche. Than sayde the Archbishop vnto him, 'Sir Johan we sent you a Wrytting concerning the Faith of thys Blessed Sacrament clearly determined by the Church of Rome, our mother, and by the holy doctours.' Than sayd he again unto him, 'I knowe none holyer than is Christ and his apostles. And as for that determinacion, I wote it is none of theyrs, for it standeth not with the Scriptures, but manifestly against them. If it be the Churches, as ye saye it is, it hath bene hers onely sins she receiued the greate poyson of worldly possessions, and not afore.'

Than asked hym, they to stoppe hys mouth therwith, if he beleued not in the determinacion of the Church? And he said vnto them, No forsooth, for it is no God. In all our crede is it but thryse mencioned concerning beleue; in God the Father, in God the Sonne, in God the Holy Goost. The Byrthe, the Death, the Buriall, the Resurrection and Ascensyon of Christe hath none in, for beleue but in hym. Neyther yet hath the Churche, the Sacramentes, the Forgyuenes of Synne, the latter Resurrection, nor yet the Lyfe Everlasting, any other in, than in the Holy Goost.

Than sayd one of the Lawiers, 'Tush, that was but a worde of office. But what is your beleue concerning holy Church?' The lord Cobham answered, My beleue is (as I sayde afore) that all the Scriptures of the Sacred Bible are true. All that is grounded vppon them, I beleue throughly. For, I know, it is God's pleasure that I shuld so do. But in youre lordly lawes and ydell determinations haue I no beleue. For ye be no part of Christis holy Churche, as your open dedes doth shew; but ye are very antichrists, obstinately set against his holy law and will. The lawes that ye haue made are nothing to his glorye; but onely for your vayne glory and abhominable couuetousness. This they said, was an exceading Herisy (and that in a great fume) not to beleue the determination of holy Church.

Than the Archbishop asked him, what he thought Holy Church? He said vnto him: My beleue is, that holy Church is the nombre of them which shall be saued, of whom Christ is the head. Of this Church one part is in Heauen with Christ, an other in purgatory (you say) and the third is here in ærth. This later part standeth in thre degrees, in knighthode, priesthode, and the comunalte, as I saide afore plainly in the Confessyon of my Beleue.

Than saide the Archbishop vnto him, 'Can ye tell me who is of this Church?' The lord Cobham answered, Yea truly can I.

Than said doctour Walden the prior of the Carmelites, 'It is doubte vnto you who is thereof. For Christ sayth in Math. *Nolite judicare*, Presume to judge no man. If ye here be forbidden the judgment of your neighbour or brother, moche more the judgment of your superior.' The lord Cobham made him thys answer, Chryst sayth also in the same selfe chapter of Math. 'That lyke as the yll tree is knowne by his yll fruit, so is a false prophet by his works, appeare they neuer so glorious.' But that ye left behind ye. And in Johan he hath this text, *Operibus credite*, Beleue you the outward doings. And in another place of Johan, *Justum judicium judicate*, When we know the thing to be true, we may so judge it, and not offende. For Dauid sayth also, *Recte judicate filii hominum*, 'Judge rightly always ye children of men.' And as for your superiorite, were ye of Christ, ye should be meke ministers, and no proud superiours.

Then said doctour Walden unto him, 'Ye make here no difference of judgements: ye put no diuersite betwene the yll judgements, which Chryst hath forbidden, and the good judgements, which he hath commaunded us to haue. Rash judgement and right judgement, al is one with you. So is judgement presumed, and judgement of office. So swift judges always are the learned scolers of Wickleue. Unto whome the lord Cobham thus answered, It is well sophistried of you forsoth; preposterouse are your judgements euer more. For as the prophet Esay saith, 'Ye judge yll good, and good yll.' And therefore the same prophet concludeth, 'That your wayes are not Gods ways, nor Gods wayes your wayes.' And as for that vertuouse man Wickleue, whose judgment ye so highly disdayne; I shall saye here for my part both before God and man, that before I knew that dispised doctrine of his, I neuer absteyned from synne. But syns I learned therein to feare my Lord God, it hath otherwise, I trust, been with me: so much grace could I neuer finde in all your gloriouse instructions.

Than sayde doctour Walden again yet unto

hym, 'It were not well wyth me, so meny vertuous men lyuyng, and so many learned men teaching, the scriptures being also so open, and the examples of fathers so plenteouse, if I than had no grace to amende my life till I hearde the deuell preache. Saint Hierom saith, that he whych seketh suche suspected masters, shall not fynde the mydday lyght, but the midday deuell.' The lord Cobham said, Your fathers the olde Pharisees ascrybed Chrystes miracles to Belzebub, and hys doctrine to the deuell. And you as their naturall children haue still the same self judgment, concerning his faithful followers. They that rebuke your viciously lyuyng, must nedes be heretykes; and that must your doctours proue, whan ye haue no scriptures to do it. Than said he to them all, To judge you as ye be, we nede no farther go than your owne propre actes. Where do ye fynd in all Gods lawe, that ye shuld thus syt in judgment of any Christen men, or yet sentens anye other man vnto death, as ye do here daily? No ground haue ye in all the scriptures so lordely to take it vppon ye; but in Annas and in Cayphas, whiche sate thus vppon Chryst, and vppon his apostles after his ascencyon, of them onely haue ye taken it to judge Christes membres as ye do, and neyther of Peter nor Johan.

Than sayde some of the Lawyers, 'Yes forsoth, sir, for Christ judged Judas.' The lord Cobham sayd, No, Christ judged him not, but he judged himselfe; and therupon went forth, and so did hang himselfe. But indede Christ sayd, wo vnto him for that couetous act of his, as he doth yet styll unto many of you. For sens the venime was shed into the church, ye never folowed Christ: neither yet have ye stand in the perfection of Gods lawe.

Than asked him the archbyshoppe, 'What he meant by that venim?' The lord Cobham sayd, your possessyons and lordshippes: for, than cryed an aungell in the ayre (as your owne Chronycles mencioneth) 'Wo, wo, wo, this day is venime shedde into the church of God.' Before that tyme all the Byshopes of Rome were martirs in a maner. And sens that time we rede of very few: but in dede sens that same time one hath put down an other, one hath poysoned an other, one hath cursed an other, one hath slayne an other, and done much more mischefe besides, as all the chronicles telleth. And let all men consydre well thys, That Christ was meke and mercifull; the pope is proud and a tiraunt. Christ was pore and forgnue; the pope is riche, and a most cruell manslayer, as his dayly actes doth prove him. Rome is the very nest of Antichryst, and out of the nest cometh all his disciples; of whome prelates, priestes and monkes are the body, and these pylde friers are the tayle, whyche coureth his moost fylthy part.

Than sayed the Pryor of the fryre Augustines, 'Alac, Syr, why do ye say so? That is uncharitably spoken.' And the lord Cobham said, not only is it my saying; but also the prophet Esayes long afore my tyme. The prophet, sayth he, which preacheth lyes, is the tayle behind. As you fryers and monkes be lyke pharisees diuided in your outward apparell and vsages, so make ye diuysyon among the peple. And thus, you with such other are the very naturall membres of Antychryst.—Than said he vnto them all, Christe saith in his gospell, 'Wo to you Scribes and Pharisees, ypocrites, for ye close up the kingdom of heauen before men. Neyther entre ye in your selves, nor yet suffre any other that would entre into it. But ye stop up the wayes thereunto with your owne tradicions, and therefore are ye the houshold of Antichrist; ye will not permit Gods veryte to haue passage, nor yet to be taught of his true ministers, fearing to haue your wickedness reproued. But by such vayne flatterers as vpholde you in your mischeues, ye suffer the common people most miserably to be seduced.'

Than saide the Archbishop, 'By oure lady, Sir, there shall no suche preache within my diocese, (and God will) nor yet in my jurisdiction, (yf I may know yt) us either maketh diuision, or yet dissension amonge the poore commons.' The lord Cobham sayd, Both Chryst and his Apostles were accused of sedicion making, yet were they most peaceable men. Both Daniel and Christ prophecyed, that such a troublous tyme shulde come, as hath not been yet sens the worldes beginning. And this prophecye is partly fulfylled in your daies and doinges. For many haue ye slaine already, and more wyl ye slee hereafter, if God fulfil not his promes. Chryst saith also, if those days of yours were not shortened, scarsly shuld any flesh be saued. Therefore loke for it justly, for God wyll shorten your dayes. Moreouer, though priestes and deacons for preaching of God's word, and for ministring the sacraments, with prouision for the pore, be grounded in God's lawe, yet haue these other sectes no maner of ground thereof, so as far as I haue red.

Than a Doctour of Lawe, ealled master Johan Kempe, plucked out of his bosome a copye of that Byll which they had afore sent him into the Tower, by the Archbishops Council, thinking thereby to make shorter worke with him. For they were so amased with his Answers (not al vnlike to them which disputed with Steven) that they knew not well howe to occupye the tyme, there wyttes and sophistry (as God wolde) so fayled them that day. My lord Cobham (sayth this doctor) 'we must brefely know your mynde concerning these 4 Poyntes here following. The fyrst of them is thys. And then he redde vpon the Byll. The Fayth and the Determinacion of holy Church touching the Blessed Sacrament of the Alter is this, that after the sacramentall wordes be ones spoken by a pryest in hys masse, the materyall bread that was before bread, is turned into Christes very bodye. And the materiall wyne that was before wyne, is turned into Christes very bloude. And so there remaineth in the sacrament of the aulter from thens forth no materyall bread nor ma-

teryall wyne, which were there before the sacramentall wordes were spoken; Sir, beleue ye not this?' The lord Cobham sayed, This is not my Beleue; but my Faith is (as I sayd to you afore) that in the worshypfull sacrament of the aulter, is very Christes body in fourme of breade. Than said the Archbishop, 'Sir Johan, ye must say otherwise.' The lord Cobham saide, Nay, that I shall not, if God be vppon my syde (as I truste he is) but that there is Christes body in fourme of breade, as the comon beleue is.

Than redde the doctor againe. The second Point is this, 'Holy Churche hath determined that euery Christen man lyuing here bodely vppon earth, ought to be shryuen to a priest ordeined by the church, if he may come to him: Sir, what say ye to this?' The lord Cobham answered and said, A diseased or sore wounded man had nede to haue a sure wyse chyrurgion, and a true; knowing both the ground and the danger of the same. Moost necessary were it therefore, to be fyrst shryuen vnto God, which only knoweth our diseases, and can helpe us, I deny not in this the going to a priest, if he be a man of good lyfe and learning: for the lawes of God are to be required of the priest which is godly learned. But if he be an ydiote, or a man of viciouse lyuynge, that is my curate, I ought rather to flee from him, than to seke unto him. For sooner might I catch yll of him that is nought, than any goodnesse towardes my soule helth.

Than redde the doctour againe. The third Pointe is this, Christe ordeined Sainct Peter the apostle to be his vicar here in erth, whose see is the church of Rome. And he graunted, that the same power which he gaue vnto Peter, shulde succeede to all Peter's successors, which we call now popes of Rome. By whose speciall power in churches partycular he ordeyned prelates, as archbishops, parsons, curates, and other degrees more; vnto whom christen men ought to obeye after the lawes of the Church of Rome. This is the determination of holy church: Sir, beleve ye not this?' To this he answered and said, He that foloweth Peter moost nighest in pure lyuing, is next vnto him in succession; but your lordely ordre esteemeth not greatly the lowly behauer of pore Peter, what soeuer ye prate of him; neither care you greatlye for the humble maners of them that succeded him tyll the time of Silvestre, which for the more part were martirs, as I tolde ye afore. Ye can lett all their good condicions go by you, and not hert your selues with them at all; all the worlde knoweth thys well inough by you, and yet ye can make boast of Peter.

With that one of the other doctours axed him, 'Than what do ye say of the pope?' The lord Cobham answered, As I said before, he and you together maketh whole the great antichrist, of whome he is the great heade; you byshops, priestes, prelates and monkes, are the body, and the begging friers are the taile, for they couuer the filthinesse of you both with their subtyle sophistrye: neuer will I in conscience obey any of you all, tyll I see you with Peter follow Chryst in conuersation.

Than redde the Doctour againe: 'The fourth Pointe is this, holy church hath determined, that it is meritoriouse to a chrysten manne to go on pilgrimage to holy places, and there specially to worship holy relikes and images of saintes, apostles, martirs, confessours, and all other saintes besydes, approued by the church of Rome: Sir, what say ye to this?' Whereunto he answered, I owe them no seruice by any commaundment of God, and therefore I minde not to seke them for your covetousnes: It were best ye swept them fayre from copwebs and duste, and so layed them up for catching of scathe; or els to bury them faire in the ground, as ye do other aged peple which are Gods ymages. It is a wonderfull thing, that saintes now being dead, shuld become so covetous and nedye, and therevppon so bitterly begge, which al their lyfe time hated all covetousnesse and begginge. But this I saye vnto you, and I wold all the world shuld marke it. That with your shrines and idolles, your fayned absolutions and pardons, ye drawe vnto you the substance, welthe, and chefe pleasures of all christen realmes.

'Why, Syr,' said one of the clerkes, 'will ye not worship good Ymages?' What worship shuld I geue vnto them? sayd the lord Cobham.—Than sayd fryer Palmyr vnto him, 'Sir, ye well worshyp the crosse of Christ that he died vppon.' Where is it? said lord Cobham.

The fryer sayd, 'I put ye the case, Sir, that it were here euen now before you?' The lord Cobham answered, This is a great wyse manne, to put me an ærnest question of a thing, and yet he his selfe knoweth not where the thing it selfe is: yet ones again aske I you, what worshyp I shuld do unto it?—A Clerk said unto him, 'Such worship as Paul speaketh of, and that is this, 'God forbidde that I should joye but onely in the crosse of Jesu Christ.' Than sayd the lord Cobham, and spreade his armes abroade, This is a very Crosse, yea and so muche better than your crosse of woode, in that it was created of God; yet will not I leke to haue it worshipped.

Than said the bishop of London, 'Sir, ye wote well that he died on a material crosse.' The lorde Cobham sayd, Yea, and I wote also that our saluacion came not in by that materyall crosse, but alone by him which dyed thervppon. And well I wote that holy saint Paull rejoysed in none other crosse, but in Christes passion and death onely, and in his own sufferings of like persecution with him, for the same selfe verite that he had suffered for afore.—And other Clerke yet asked him, 'Wyll ye than do none honour to the holy crosse?'—He answered him, Yes, if he were myne, I wolde lay him vp honestlye, and see vnto him that he shuld take no more scathes abroade, nor be robbed of his goodes as he is now a days.

Than sayd the Archbishop vnto him, 'Sir

Johan, ye haue spoken here many wonderfull wordes, to the slaundrous rebuk of the whole spiritualte; geuing a greot yll example vnto the common sort here, to haue vs in the more disdayne. Moche time haue we spent here abought you, and al in vaine so farre as I can see. Well, we must be now at this short point with you, for the day passeth away: ye muste eyther submit your selfe to the ordinaunce of Holy Church, or else throwe your self (no remedy) into moost depe daunger; se to it in time, for anon it will be els to late.' The lorde Cobham said, I knowe not to what purpose I shuld otherwise submitte me; moch more haue you offended me, than euer I offended you, in thus troubling me before thys multitude.—Than sayd the Archbishop againe vnto him, 'We ones againe require you to remembre your selfe wel, and to haue none other opinion in these maters, than the universall Fayth and beleue of the holy Church of Rome is: and so lyke an obedient child to return again to the vnite of your mother. Se to it, I say in time, for yet ye may have remedy, where as anon it will be to late.

The lord Cobham sayd expressely before them all, 'I will none otherwise beleue in these pointes than I haue tolde ye here afore, do with me what ye will.' Finally, than the Archbishop sayd, 'Wel, than I see none other but we must needs do the lawe, we must procede forth to the Sentence diffinitiue, and both judge ye and condempne ye for an Heretike. And with that the Archbyshoppe stode vp, and redde there a Byll of his Condemnacion, all the clergye and layte avaylyng their bonnettes; and thys was thereof the tenour:

The Diffinitiue Sentence of his Condempnacion.

In Dei Nomine, Amen. Nos Thomas, permissione diuina, Cantuariensis Ecclesiæ Archiepiscopus, Metropolitanus totius Anglie primas, & Apostolicæ sedis Legatus, and so forth in barberous Latin, which we haue here translated into Inglish, for a more playne vnderstanding to the reader."—In the name of God, so be it. We Thomas, by the sufferaunce of God, Archbishop of Caunterbury, metropolitane and primate of all Ingland, and legate from the apostolyke seate of Rome, willeth this to be knowen vnto all men. In a certein cause of Heresy, and vppon diuerse articles, where vppon sir John Oldcastle knight, and lord Cobham, after a diligent inquisition made for the same, was detected, accused, and presented before vs in our last conuocation of all our province of Canterbury, holden in the cathedrall churche of Paules at London; at the laufull denouncement and request of our universall clergy in the seyd conuocation, we proceded against him according to the lawe (God to witnes) with al the fauer possible. And folowing Christes example in all that we might, which willeth not the death of a synner, but rather that he be converted and lyue, we took vpon vs to correct him, and sought all other ways possible to bring him againe to the churches vnite, declaring vnto hym what the holye and universall church of Rome hath sayd, holden, determined, and taught in that behalfe. And though we found him in the catholike faith farre wyde and so stifnecked, that he wold not confesse his erroure, nor purge him selfe, nor yet repent him thereof; we yet pyteing hym of fatherly compassion, and intierlye desyrynge the helthe of his sowle, appoynted him a competent tyme of delyberacion, to se if he wold repent and seke to be reformed: and sens we haue found him worse and worse. Considering therefore that he is incorrygible, we are driuen to the very extremite of the lawe, and with great heuynes of hart, we now procede to the publicacyon of the sentence diffinityue against him.

Than brought he forth an other Byll, conteyning the sayd Sentence, and that he redde also in his bauger Latyne; '*Christi nomine inuocato, ipsum que solum pre oculis habentis, quia per acta mactitata,*' and so forth; which I haue also translated into Inglish, that men may understand it: "Christ we take unto witnes, that nothing els we seke in this our whole enterpryse, but his only glory. For as much as we haue found by dyuerse actes done, brought forth and exhibited by sondry evidences, sygnes, and tokens, and also by many most manifest proues, the said sir Johan Oldcastell knight, and lord Cobham, not only an evident heretyke in hys own parsone, but also a mighty mainteyner of other heretikes, against the faith and relygion of the holy and vniuersal Church of Rome, namely, about the two sacramentes of the alter, and of penaunce, besides the popes power and pilgrimages: and that he, as the chyld of iniquite and derkenes, hath so hardened his hart, that he will in no case attend vnto the voice of hys pastour: neyther wyll he be alured by strayght admonishments, nor yet be brought in by fauourable wordes. The worthenes of the cause first wayde on the one side, and his vnworthynes again considered on the other syde, his fautes also aggrauated, or made double through his damnable obstinacy. We being loth that he which is nought shuld be worse, and so with hie contagiousnes infect the multitude; by the sage councell and assent of the very discret fathers, our honorable brethren and lordes bishopes here present, Richard of London, Henry of Wynchester, and Benit of Bangor, and of other great, learned, and wyse men here, both doctours of diuinite and of the lawes, canon and ciuyle, seculars and religious, with dyuerse other expert men assisting vs, we sentencyally and dyffinitiuely, by thys present writeing, judge, declare, and condemne the seid sir Johan Oldcastell knyght, and lord Cobham, for a most pernicious and detestable heretyke, convycted vpon the same, and refusing vtterly to obey the church agayne, committyng hym here from hens forth as a condempned heretik to the secular jurisdiction, power, and judgment, to do him ther vpon to death. Furthermore, we excommunicate and denounce acursed not only this heretike here

present, but so many els besydes as shall here after, in fauer of his errour, eyther receive him or defend him, counsell him or helpe him, or any other way maintein him, as very fauters, receiuers, defenders, counselers, ayders, and maynteyners of condemned heretiks.—And that these premysses maye be the better knowen to all faythfull Chrysten men, we commit yt here vnto your charges, and gaue you strayghte commaundement thervpon by thys wrytyng also, that ye cause this condemnacion and diffinityue sentence of excommunycacyon, concerning both thys heretyke and his fawters, to be publyshed through oute all dyoceses in cytyes, townes, and vyllages, by your curates and parysh priestes, such time as they shall have most recourse of people, and se that it be done after this sort. As the people are thus gathered deuoutlye together, lett the curate euery where go into the pulpet, and there open, declare, and expounde thys process in the mother tonge, in an audyble and intelligible voyce, that it maye well be perscived of all men; and that vppon the feare of this declaracion also, the people maye fall from their yll opinions conceiued now of late by sediciouse preachers. More ouer, we will that after we haue deliuered vnto yche one of you bishoppes (which are here present) a coppye hereof, that ye cause the same to be written out again into dyuers coppies, and so to be sent vnto the other bishopps and prelates of our whole prouince, that they may also see the contents thereof solempnely published within their dioceses and cures. Finally we wyll that both you and they signifye again vnto vs seriously and distinctly by your wrytinges, as the matter is without fayned colour in euery point perfourmed, the daye wheruppon ye receyued thys processe, the tyme whan it was of you executed, and after what sort it was done in euerye condicion, according to the tenour hereof, that we may knowe it to be justly the same."

A coppye of thys Wrytinge sent Thomas Arundel the archbishop of Caunterbury, afterward from Maydeston the x daye of October, within the same yeare of oure Lorde 1413, unto Richard Clifford the bishop of London, which thus beginneth, "*Thomas Permissione Diuina*," &c. The sayde Richard Clifford sent an other coppye thereof, enclosed within his owne letters, unto Robert Mascall, a Carmelite fryer, which was than bishop of Hertford in Walis, written from Hadham the xxiii day of Octobre, in the same yere; and the beginning thereof is this, "*Reuerende in Christo Pater*," &c. The said Robert Mascall directed an other copy thereof from London the xxvii day of November in the same yere, enclosed in his owne commission also, vnto his archdeacons and deanes in Herford and Shrewisbury. And this is thereof the beginning, "*Venerabilibus & discretis viris*," &c. In like manner did the other bishopes within their dioceses.

After that the Archebishop had thus red the Byll of his Condempnation, with most extremite, before the whole multitude: the lord Cobham sayd with a most cherefull countenaunce, 'Though ye judge my body, which is but a wretched thing, yet am I certein and sure, that ye can do no harme to my soule, no more than could Sathan uppon the soule of Job. He that created that, will of his infinite mercy and promess save it, I haue therein no manner of doubt. And as concerning these Articles before rehersed, I will stande to them, euen to the very death, by the grace of my eternall God.' And therwith he turned him vnto the people, casting hys handes abroade, and saying with a very loude voice, 'Good Christen people, for Gods loue be well ware of these men: for they will els begyle you, and leade you blindelyng into hell with themselues. For Christ saith plainly vnto you, 'If one blind man leadeth another, they are lyke both to fall into the dytche.'—After thys he fell downe there vppon his knees, and thus before them all prayed for his enemies, holding vp both his handes and his eyes towards heauen and saying, 'Lord God eternal, I beseche the for thy great mercies sake to forgeue my pursuers, if it be thy blessed will.' And than he was delyuered to syr Robert Morleye, and so ledde forth againe to the Tower of London. And thus was there an ende of that dayes worke.

Whyle the Lord Cobham was thus in the Tower, he sent out priuily vnto his friends; and they at his desire wrote this lytle Bill here following, causing it to be set up in diuerse quarters of London, that the peple shulde not beleve the slaundres and lyes that his ennemies the bishops seruaunts and priestes had made on him abroade. And this was the Letter;

"For as much as sir John Oldecastell knight and lord Cobham, is vntruly conuicted and imprisoned, falsely reported, and slaundred among the comen people by his aduersaries, that he shuld otherwise both fele, and speake of the sacraments of the Church, and specially of the blessed sacrament of the aulter, than was written in the confession of his belieue, which was indinted and taken to the clergy, and so set up in diuerse open places in the cite of London, knowen be it here to all the world, that he neuer sens varyed in any poynt therfro; but this is plainly his beleue, that all the sacraments of the church be proffytable and expedient also to all them that shal be saued, taking them after the intent that Christ and his true church hath ordayned. Further more he beleued that in the blessed sacrament of the aulter is verely and truly Christes body, in fourme of bread."

After thys the byshops and pryestes were in moche obloquie, both of the nobilite and comens, partly for that they had so cruelly handled the good lord Cobham; and partlye againe, bycause hys opinion (as they thought at that tyme) was perfyght concerning the sacrament. As they feared thys to grow to further inconuenience towardes them both wayes, they drew their heads together, and at the last consented to use an other practise, somewhat contrary to that they had done afore. They caused it by

and by to be blowne abroade by their feed seruants, fryendes and babeling sir Johnes, that the sayde lord Cobham was becomen a good man, and had lawlye submitted him selfe in all things vnto holy church, vtterly chaunging his opinion concerning the sacrament. And thervppon they contrefayted an abjuration in his name, that the peple shuld take no hold of that opinion by any thing they had hearde of him before, and to stande so in the more awe of them, considering hym so great a man, and by them subdued.

An Abjuracion counterfayted of the Bishoppes.

This is the Abjuration (say they) of Syr J. Oldecastell knt. sometime the lord Cobham.

"*In Dei nomine, Amen.* I Johan Oldecastell denounced, detected and conuycted of and vppon diuerse articles sauering both heresy and errour, before the reuerend father in Christ, and my good lord Thomas, by the permission of God, lord Archebishop of Caunterburye, and my lauful and rightful judge in that behalfe, expressely graunt and confesse, That as concerning the ystate and power of the moost holy father the pope of Rome, of his archbishops, his bishops, and his other prelates, the degrees of the church, and the holy sacramentes of the same, specyally of the sacramentes of the aulter, and of penaunce, and other obseruaunces besides of our mother holy church, as pilgrimages and pardons; I affyrme (I say) before the said reuerend father archbishop, and els where, that I being yl seduced by diuerse sedicious preachers, haue greuously erred and heritically persisted, blasphemously answered, and obstinately rebelled. And therefore I am by the sayd reuerend father, before the reuerend fathers in Christ also the bishops of London, Winchestre, and Bangor, lawfullye condempned for an heretyke.—Neuertheless yet, I now remembring myselfe, and coueting by this meane to auoide that temporal payne, which I am worthy to suffer as an heretike, at the assignacion of my most excellent Christen prince and liege lord king Henry the fift, nowe by the grace of God most worthy kyng of both Englaude and of France: minding also to preferre the wholsom determinacyon, sentence and doctryne of the holy and uniuersal church of Rome, before the vnholsom opinions of my self, my teachers, and my followers: I frely, willyngly, deliberately, and throughly confesse, graunt, and affyrme the moste holye fathers in Christ, sainct Peter the apostle, and his successours bishoppes of Rome, specially now at thys tyme my moost blessed Lorde pope Johan by the permyssyon of God the 23 pope of that name, which now holdeth Peter's seate (and each of them in their succession) in full strength and power, to be Chrystes vycar in ærth, and the head of the church milytaunt. And that by the strength of hys office (what thogh he be a great sinner, and afore knowen of God to be damned) he hath full auctorite and power to rule and gouerne, bind and lose, saue and destroy, accurse and assoyle, al other Christen men.—And agreably styl unto this, I confess, graunt, and affyrme all other archbishoppes, bishoppes, and prelates, in their prouinces, dyocesses, and parishes (appointed by the seid pope of Rome, to assyst him in his doinges or business) by his decrees, canons, or vertue of his office, to haue had in tymes past, to haue now at this tyme, and that they ought to haue in tyme to come, auctorite and power to rule and to gouerne, binde and lose, acurse and assoyle the subjectes or peoples of their aforeseid prouinces, dyoceses, and parishes; and that theyr said subjectes or peoples ought of right in all things to obey them. Furthermore I confesse, graunt and affyrme, that the sayde spyrytuall fathers, as our moost holy father the pope, archbishops, byshops and prelates, haue had, haue now and ought to haue hereafter, auctorite and power for the estate, order and gouernaunce of theyr subjectes or peoples, to make lawes, decrees, statutes and constitucions; yea, and to publysh, commaunde and compell theyr said subjectes and peples to the obseruation of them.—Moreouer, I confesse, graunt and affyrme that all these forsayd lawes, decrees, statutes and constitucions, made, publyshed and commaunded accordynge to the fourme of spirituall lawe, all Christen peple and euery man in him selfe, is straightly bound to obserue, and mekelye to obeye, accordyng to the diuersite of the forsayde powers. As the lawes, statutes, canons and constitucions of our most holy father the pope, incorporated in his decrees, decretals, clementynes, codes, chartes, rescriptes, sextiles and extrauagauntes the world over all; and as the prouinciel statutes of archebishops in their prouinces, the sinodall actes of byshoppes in theyr dioceses, and the commendable rules and customes of prelates in their colleges, and curates in their parishes, all Christen people are both bound to observe, and also moost mekely to obeye. Ouer and besides all this, I Johan Oldecastell, vtterly forsakinge and renouncynge all the aforesayd errours and heresyes, and all other errours and heresyes lyke vnto them, lay my hande here vppon this boke, of holy euangelye of God, and swear; that I shall neuermore from hens forth hold these forsaid heresyes, nor yet any other lyke vnto them wetingly. Neyther shall I geue counsell, ayde, helpe nor fauer at any tyme to them that shall holde, teache, affyrme or mainteine the same, as God shall helpe me and these holy euangelyes.—And that I shall from hens forth faithfully obeye, and inuiolably obserue all the holy lawes, statutes, canons, and constitucions of all the popes of Rome, archbishopes, bishops and prelates, as are contayned, and determined in theyr holye decrees, decretals, clementines, codes, chartes, rescryptes, sextyles, summes papall, extrauagantes, statutes prouincyall, actes synodal, and other ordinary rules customes constituted by them, or that shall chaunce hereafter dyrectly to be determined or made. To these and all such other, wyll I my selfe with al powr possible apply. Besydes all this, the penaunce which it shal please my said reuerend father, the lorde

archbishop of Caunterbury, hereafter to enjoyne me for my sinnes, I will mekely obeye and faithfully fulfyll. Finally, all my seducers and false teachers, and all other besydes, whom I shall hereafter knowe suspected of heresye or errours, I shall effectuallye present, or cause to be presented, vnto my sayd reuerend father lord archbishop, or to them which hath his auctorite, so sone as I can conueniently do it, and see that they be corrected to my vttermoost power. Amen."

The cruell Complaint of the Clergy, and tyrannouse Acte therevppon made.

Neuer came this Abjuracyon to the handes of the lord Cobham, neyther was it compyled of them for that purpose; but onely therwyth to bleare the eyes of the unlearned multitude. And whan they perceyued that polycye wolde not helpe, but made more and more against them, than sought they out an other false practyse. They went vnto the king with a most greuouse complaint, lyke as they did afore in his fathers tyme, that in euery quarter of the realme, by reason of Wickleues opinions, and the said lord Cobham, were wonderful contentions, rumours, tumultes, vprours, confederations, dissencions, diuisions, differences, discordes, harmes, slaunders, scismes, sectes, sedicions, perturbacions, parels, vnlawfull assemblyes, variaunce, strifes, fyghtinges, rebelliouse ruffelinges and dayly insurrections. The Church (they said) was hated; the diocesanes were not obeyed; the ordinaries were not regarded; the spirituall offycers, as suffraganes, archdeacons, chauncelers, doctours, commissaries, offycials, deanes, lawyers, scribes and sommeners were euery where despysed; the lawes and liberties of holy Church were troden vndre fote; the Chrysten fayth was ruynouslye decayed; Gods seruice was laught to scorne; the spiritual jurisdictyon, auctorite, honour, power, polycy, lawes, rytes, ceremonies, curses, keyes, censures and canonical sanctions of the Church were had in an vttre contempt. So that all in a maner was come to nought.

And the cause of this was, that the Heretikes and Lollards of Wicleues opinion, were suffered to preach abrode, so boldly to gether conuenticles vnto them, to kepe scoles in mens houses, to make bokes, compyle treatises, and wryte ballets, to teach priuately in angles and corners, as in wodes, feldes, medowes, pastours, groues, and in caues of the ground. This wolde be (they sayd) a destruction to the commonwelth, a subuercion to the land, and an utter decay of the kinges estate ryall, if remedy were not sought in tyme. And this was their policy, to couple the kinges auctorite wyth that they had done in theyr former councell of craft, and so to make it thereby the stronger. For they perceiued themselves very farre to weake els to follow against their ennemies, that they had so largely enterprised. Upon this complaint, the king immediately called a parliament at Leichestre; it might not in those daies be holden at Westminstre, for the great fauer that the lord Cobham had both in London, and abought the cyte. Yet were they deceiued; that they doubted most, lyghted there sonest upon them.

A Byll was put in there again by the commons, against their continuall wasting of the temporalities, lyke as it had bene twise afore by procurement of the seid lord Cobham, both in the daies of Richard the Second, Anno 1365, and also of king Henry the Third, Anno Dom. 1410, whervpon was growne all this malice afore specified; but this was than workemanly defeated by an other proper practise of theyrs. They put the king in remembraunce to claime his right in Fraunce, and graunted him therevnto a dime, with other great subsidy of mony. Thus were Christes people betrayed euery way, and their Liues bought and sold by these most cruell theues. For in the said parlament, the king made this most blasphemouse and cruell acte, to be as a law for euer, That whatsoeuer they were that should rede the Scriptures in the mother tong (which was then called Wicleue's lerning) they shuld forfet land, catel, body, lif and godes from theyr heyres for euer, and so be condempned for heretykes to God, ennemies to the crowne, and most errant traiters to the lande.

Besides this, it was inacted that neuer a sanctuary, nor priuileged ground within the realme, shulde holde them, though they were still permitted both to theues and murtherers. And if in case they wold not gyue ouer, or were after their pardon relapsed, they shulde suffer death in two manner of kindes; that is, they shulde first be hanged for treason against the king, and then be burned for heresy against God, and yet neither of both committed. The beginning of that Act is this, '*Pro eo quod magni rumores,*' *&c.* Anon after was it proclaymed throughout the reame, and than had the bisshops, priests, monkes and Fryers, a worlde somewhat to theyr mindes. For then were many taken in diuerse quarters, and suffered most cruel death. And many fled out of the lande into Germany, Bohem, Fraunce, Spain, Portingale, and into the weld of Scotland, Wales, and Yreland, working their many maruels against their false kingdom, to long to wryte. In the Christmas followinge was syr Roger Acton knyght, Master Johan Browne esquire, sir Johan Beuerlaye, a learned preacher, and dyuerse other more attached for quarrelling with certeine priestes, and so imprisoned. For all men at that time coud not paciently suffre theyr blasphemouse bragges.

The complaint was made vnto the king of them, that they had made a greate asemble in Sainct Gyles Felde at London, purposing the destruction of the land, and the subuercyon of the commonwelth. As the king was thus infourmed, he erected a banner (saith Walden) with a crosse thereupon, as the pope doth comonly by his legate, when he pretendeth to warre against the Turke; and with a great numbre of men entered the same felde, where as he found no such company, yet was the

complaint judged true, because the byshoppes had spoken it at the informacion of their priestes. All this hath Thomas Walden in diuerse of his workes, which was at the same tyme a White or Carmelite Frire, and the king's confessour; and partly it is touched both by Robert Fabian, and by Polidorus Virgilius in their English Chronicles: but not in all pointes rightly. In the meane season [on the feast of St. Simon and Jude] sir John Oldecastell the lord Cobham, escaped out of the Towr of London in the night, and so fledde into Wales, whereas he continued more than four years after *(d)*.

Some wryters haue thought this escape to come by the said sir Roger Acton, and other gentlemen, in displeasure of the priestes, and that to be the chefe occasion of their deathes, which might well be; but Walden doth not so vtter it, which reigued the selfe same time. In January next following was the aforenamed syr Roger Acton, master Johan Browne, syr Johan Beuerlaye and 36 more (of whom the more part were gentylmen of byrthe) conuicted of Heresy by the byshops, and condempned of treason by the temporalte, and according to the acte, were fyrste hanged and then brent in the sayd Saint Giles Feld *(e)*. In the same yeare also was one Johan Claydon a skinner, and one Richard Turmin a baker, both hanged and brent in Smythfilde by that vertuous act; besides that was done in al other quarters of Ingland, which was no small number, if it were now throughly knowen.

[In the mean while (says Holinshed, vol. iii. p. 560.) the lord Cobham, who shifted from place to place to escape the hands of them who he knew would be glad to lay hold on him, had conveyed himself in secret wise into an husbandman's house not far from St. Albans, within the precinct of a lordship belonging to the abbot of that town: the abbot's servants getting knowledge hereof, came thither by night, but they missed their purpose, for he was gone; but they caught divers of his men, whom they carried streight to prison. The lord Cobham herewith was sore dismayed for that some of them, who were taken, were such as he trusted most, being of counsel, in all his devices. In the same place were found books written in English, and some of those books in time past had been trimly gilt, limned and beautified with images, the heads whereof had been scraped off; and in the Litany they had blotted out the name of our Lady and other saints, till they came to the verse '*Parce nobis Domine.*' Divers Writings were found there also in derogation of such honour as then was thought due to our lady. The abbot of St. Albans sent the Book so disfigured with scrapings and blottings out, with other such writings as there were found, unto the king, who sent the book again unto the archbishop, to show the same in his sermons at Paul's-Cross in London, to the end that the citizens and other people of the realm might understand the purposes of those that were called Lollards, to bring them farther into discredit with the people.]

(d) See the king's proclamation, with a promise of reward for apprehending him, 11 Jan. 1414. 9 Rym. Fœd. 89.

(e) From hence, as some suppose, called Ty-burn.

The latter Enprisoning and Death of the Lord Cobham.

In the yeare of oure Lorde 1415 dyed Thomas Arundell, which had bene Archbishop of Caunterbury more than 32 yeares, to the great destruction of Chrysten belieue. Yet died not his prodigiouse tyrannye with him; but succeeded with his office in Henry Chichely, and in a greatsort more of the spryghtful spiritualtie. For their malice was not yet sated ageinst the good lord Cobham. But they confedered with the lord Powys (which was at that time a great gouernour in Wales) feeding him with lordly giftes and promises, to accomplysh their desyre. He at the last, thus monied with Judas, and outwardly pretending him great amity and fauer, moost cowardlye and wretchedly toke hym, and in conclusion so sent him up to London, whereas he remayned a moneth or two imprysoned again in the Tower. Upon the 14 Dec (1417) he was brought bèfore the parliament, and after long processe they condempned him againe of Heresy and Treason by force of the afore named Act *(f)*. He rendering thanks unto God that he had so appointed him to suffre for his names sake. And upon the day appointed (25 Dec.) he was brought out of the Tower, with his armes bound behynd him, hauing a very cherful countenaunce. Than was he layd vpon an hurdle, as though he had been a moost haynouse traitoure to the crowne, and so drawn forth into sainct Gyles Felde, where as they had set vp a newe paire of galowes. As he was comen to the place of execution, and was taken from the hurdle, he fell down deuoughtly upon his knees, desyringe Almightye God to forgeue his ennemies. Than stode he up and beheld the multitude, exhorting them in most godly maner to folowe the laws of God, written in the scriptures; and in any wyse to beware of such teachers as they se contrary to Christ in their conuersacion and liuing, with many other special councels *(g)*. [When at his last hours he was urged to confess himself to a priest, whose service was offered for that purpose, he not only with a noble scorn rejected him, but openly protested, 'That if the Apostles Peter and Paul were

(f) It is pretended by some historians, that he had been indicted and out-lawed for high-treason, and was executed upon that outlawry: the indictment itself is inserted at the end of this case; but it appears by many marks to be a forgery[for which see Fox's Acts and Mon.] The Sentence itself plainly shewing he was executed in pursuance of the late Act.

(g) Stow's Annals, 355, *b.* 3 Holin. Chro. 561 *b.* 1 Hall's Chro. 58, *b.*

there, he would not confess to them, since one infinitely greater, God himself, was present; and as for him only he implored and hoped for pardon, so to him alone he would make confession of his sins.' The cruel preparations of his torments could make no impression of terror upon him, nor shock his illustrious constancy: but in him were seen united the fearless spirit of a soldier, and the holy resignation of a true christian.] Than he was hanged vp ther by the middle in chaynes of yron, and so consumed alyue in the fyre, praising the name of God, so long as his life lasted. In the ende, he commanded his sowle into the handes of God, and so departed hens most christenly, his body resolued to ashes.—And this was done in the yeare of our lord 1417 which was the sixt yere of the reygne of king Henry the fift, the people ther present shewyng great dolour. How the priestes that time fared, blasphemed, and cursed, requiring the people not to pray for hym, but to judge him dampned in hell, for that he departed not in the obedience of their pope; it were too long to wryte.'

The following Account of the Condemnation and Execution of the Lord Cobham is extracted from Cobbett's Parl. Hist. vol. 1. *p.* 336.

"On the 18th of December and the 29th day of this parliament, sir John Oldcastle, of Cowling, in the county of Kent, knight, being outlawed upon Treason in the king's-bench, and excommunicated by the archbishop of Canterbury, for Heresies, was brought before the lords; and having heard his said Conviction, answered not thereto in excuse; upon which record and process it was adjudged, That he should be taken as a traitor to the king and realm; that he should be carried to the Tower of London, and from thence drawn through London to the new gallows in saint Giles's, without Temple-bar, there to be hanged, and burned hanging.' The Record out of the king's-bench is at large; the effect whereof is, 'That the said sir John Oldcastle, and others, to the number of twenty men, called Lollards, at saint Giles's aforesaid, did conspire to subvert the state of the Clergy, to kill the king, his brothers, and other nobles.' The archbishop of Canterbury's Instrument for his Excommunication, is there also at large. And a motion being made, that the lord Powis might have the thanks of the house, and the reward in the Proclamation mentioned, for apprehending of sir John Oldcastle, knight, the heretick; it passed in the affirmative.—Thus far sir Robert Cotton, and his publisher. What we have to add, relative to the Condemnation of this great man, by his peers, is chiefly from Walsingham; who says, that, when the parliament was informed of sir John Oldcastle's being taken in Wales by the lord Powis, they ordered him to be sent for up. He was brought to London in a horse-litter, having been much wounded in the conflict, and placed before the duke regent and the other estates of the realm; and the Indictment drawn up against him at the king's-bench some years before, for levying war against the king, was read in the house. Being demanded what he could alledge in arrest of Judgment, he ran out into a discourse very foreign to the purpose, about God's mercies; and that all mortal men, who would be followers of God, ought to prefer mercy above judgment; that vengeance pertained only to the Lord, and that his servants ought not to intrench upon this prerogative of the Almighty. Thus he went on, talking widely from the business, till, at last, the chief justice desired the regent to order the prisoner not to make them lose any more time, but to answer directly to the point. After some pause he told them, it was a small thing for him to be judged by them, or of man's judgment; and then began again to ramble from the question, when the Chief Justice once more interrupted him, and bid him answer peremptorily, if he had any thing to object against the legality of the process? To this he replied, with a surprising boldness, 'That he had no judge amongst them, nor could acknowledge them as judges, as long as his sovereign lord king Richard was living in Scotland.' Upon this answer a warrant was instantly signed for his execution, and he was ordered to be hanged and burnt. The first part of his sentence was for Treason; and the other for Heresy. Accordingly he was executed on a gallows, built on purpose in saint Giles's fields, being hung by the neck in a chain of iron, and his body, with the gallows, consumed to ashes. Many are the disputes between the protestant and popish writers, about the character of this nobleman, who was the first peer of England that suffered for religion. The former crying him up as a martyr to truth; and the latter treating him with no better titles than an enthusiast, a rebel, and an heretick. Mr. Goodwin says, 'He had all the qualities of a brave and gallant gentleman, and was equally illustrious in arts and arms:' but, if what Walsingham relates of his behaviour at his execution be true, that when many persons of quality attended there, the last words he spoke was to sir Thomas Erpingham, adjuring him, 'That if he saw him rise from the dead again, on the third day, he would procure that his sect might live in peace and quietness;' we can look upon him, in this latter part of his life, as little better than an enthusiast."

The Archbishop of Canterbury against the Lord Oldcastle, 1 *Hen. V.* A. D. 1413. [*From the Records at Lambeth, and may be found in Rymer's Fœd. t.* 9. *p.* 61.]

"Thomas, by divine permission, archbishop of Canterbury, primate of all England, and legate of the apostolick see, to our venerable brother Richard, by the grace of God, bishop of London, health and brotherly love in the Lord.—Whereas in our late consultation, concerning the unity and reformation of the church of England, in convocation of the prelates and clergy of our province of Canterbury, last held

in our church of St. Paul's, with the said prelates and clergy, among other things it was concluded by us, and the said prelates and clergy, next to impossible, to repair the rending of our Lord's seamless coat, unless first of all certain great men of the kingdom, the authors, abettors, protectors, defenders and entertainers of those hereticks, who are called Lollards, were severely reprehended, and reclaimed from their errors, if other means failed, by the censure of the church, assisted by the secular arm:—And accordingly, upon the most diligent enquiry in the said convocation, by the proxies of the clergy, and others there assembled in great numbers from each diocess of our said province, it was found by them, and made known and presented to us, that sir J. Oldcastle knight, was and is the principal receiver, abettor, patron and defender of the same.—And that he sent the Lollards to preach about in the dioceses of London, Rochester, and Hereford; without any licences from the ordinaries or diocesans of the places, contrary to the synodical constitution made for that purpose; and that he was present at the wicked preachings of the same, and silenced all opposers he met with, with threatnings and terrors, and the power of the secular sword:—Asserting and affirming, amongst other things, that we and our brethren the suffragans of our province, never had, nor have authority to make any constitution of this kind.—And concerning the Sacraments of the altar and penance, pilgrimages, adoration of images, and the power of the keys, he has believed, and does believe, and dogmatizes and teaches otherwise than the Roman and universal church holds and affirms.—Wherefore the said prelates and clergy then besought us, that we would be pleased to proceed against the said sir John Oldcastle, for and upon the premises.—But in reverence to our lord the king, (with whom the said sir John was a great favourite) and as much out of respect to the order of knighthood, with all our brethren and suffragans of our said province, and a great part of the clergy of our said province, we waited on our said lord the king, at his palace at Kennyngton; and making complaint against the said sir John, we in some measure represented the errors of the said sir John.

"But at the instance of our lord the king, and our own desire to reduce the said sir John to the unity of the church, without bringing him to open shame, we deferr'd for a long time all execution of the premises. But forasmuch as we had it from the king's own mouth, and under his hand, that all his pains to reclaim this man had proved vain and ineffectual; we thereupon decreed to summon the said sir John to appear before us at a certain time now past, to answer for and concerning the premises; and we sent our officer with these our citations to the said sir John, then dwelling at his castle of Cowling.

"To which our officer we gave in command, that he should not in any wise enter the castle of the said sir John without leave; but by the mediation of one John Buttler, door-keeper to the privy-chamber of our lord the king, he should apply to sir John himself, for his leave to enter his castle, in order to give him a citation; or at least that he wou'd appear without the castle, and suffer the citation to be serv'd upon him.—But sir John publickly answered the said John Buttler, tho' in the premises he had made use of the king's name, that he wou'd by no means be cited, nor suffer any manner of way such citation to be served upon him.—Upon this faithful account given us, that it was impossible to serve the said sir John personally with a citation; and we being fully persuaded thereof, decreed that he should be cited by an edict, which should be publickly fixed on the great doors of the cathedral church in Rochester, which is but three English miles from his said castle of Cowling. Accordingly we caus'd him to be cited, and our edict to be fix'd in publick and open view on the great doors of the said church, charging him to appear before us on the second day of September now past, personally to answer to and for the premises, and other allegations of heretical pravity against him.—On the day appointed we held a court in the greater chapel in our castle of Leeds, in our diocess, in which we then lived and resided with our court; and after the necessary proof of the premises, and we had heard and receiv'd the relation, as it is commonly reported in the parts where the said sir John immures and fortifies himself in his said castle, and defends his opinions by contemning the keys of the church, and impugning the archiepiscopal authority:

"We caused Proclamation aloud and in open court, to be made for the said sir John to appear; and after proclamation made, and we had long waited, and he not appearing, we justly pronounced him, as he was, contumacious; and then and there returned him excommunicated, in punishment for so high a contumacy.—And because from the series of the premises, and other plain demonstrations and evidences of fact, we apprehend that the said sir John strengthens and fortifies himself in defence of his errours against the authority of the church, as is premised, (which gives great handle to suspect him of heresy and schism) we decreed against the said sir John, that he should be a second time cited personally, if he could be found; if not, by edict, as before, to appear before us on the Saturday next after the feast of the apostle and evangelist St. Matthew next ensuing, to shew, if he has reasonable cause why he ought not to be proceeded against as a publick heretick, schismatick, and an enemy of the Catholick Church, and why he ought not to be adjudged as such, and the assistance of the secular arm be solemnly called for against him; personally to propound, and further to answer, do, and receive concerning all and singular the premises, what in justice is meet.—At which time (namely, the Saturday next after the feast of St. Matthew, being the

23d of Sept. as we held our court in the chapter-house of St. Pauls in London, with our brethren, Rd. lord bishop of London, and Henry of Winchester in sessions with us, sir Robert Morley knight and lieutenant of the Tower of London, appeared in court with the said sir John Oldcastle knight, and delivered him to us:

"For he had been arrested a little before by the king's order, and confined to the Tower. To the said sir John Oldcastle thus personally appearing, we repeated, in soft and moderate terms, and in a manner very courteous and obliging, all our proceedings against him, as they stand upon the journal of the former day; namely, How he the said sir John stood presented and charged by and upon the articles above mentioned, in convocation of the prelates and clergy of our said province. And how he had been cited and excommunicated for his contumacy. And, though by his default it was come to this, we notwithstanding shewed our selves ready and willing to absolve him.—But he the said sir John taking no notice of this our overture, answered, He would gladly make profession, before us and my said brethren, of the faith which he believed and maintained. For which we giving leave, as he desired, he drew out of his bosom an indented writing, and there openly read the contents of it, and afterwards with his own hand presented to us the said writing, touching the Articles whereof he was accused; of which this is the copy:

"'I John Oldcastle knight, and lord Cobham, desire it may be known to all Christians, and I call God to witness, that I never have entertained, and, by the help of God, never will entertain any persuasion, which is not consistent with a firm and undoubting belief of all the sacraments, which were ordained and appointed by Christ himself for the use of his church. Moreover, that my faith, as to the four points alledged against me, might be more clearly understood, I declare, First of all, That I believe that in the adorable sacrament of the altar, the very body of Christ does exist, under the species of bread: the same body, I mean, that was born of his mother Mary, that was crucifyed for us, that dy'd and was bury'd, and rose again the third day from the dead, and was exalted to the right hand of his eternal father, where he now sits partaker with him in glory.—Then for the Sacrament of penance, I believe it is chiefly necessary for all that desire to be saved, to amend their wicked lives, and undergo such a penance for the sinful part of them, as by a true confession, an undissembled contrition, and lawful satisfaction, manifests it self to be agreeable to the holy scriptures, without which none can hope for salvation. Thirdly, with respect to Images, I hold that they are no ingredient in the Christian belief, but, long after the publication of the faith of Christ, were introduced into the world, by the permission of the Church, to be as a calendar to the laity and the ignorant, that by visible representation of the sufferings of Christ and of the pious lives and martyrdoms of the saints, the remembrance of those things might the more easily be impressed on their minds; but if one so abuses this representation, as to give that worship to these images of the saints, which is due to the saints themselves, or rather to him to whom the saints themselves owe all honour and adoration, and putteth his confidence in them, which is only to be placed in God, or is so affected towards these senseless images, as to be more devoted to them than God, in my opinion he is guilty of idolatry, and wickedly sins against God, the only object of worship.—Lastly, I am fully persuaded, that there is no abiding place upon earth, but that we are all pilgrims either on the way to happiness, or tending to misery: he that either knows not, or will not be instructed in, nor live in the practice of the commandments of God, it is in vain for him to expect salvation, tho' he went on pilgrimage into all quarters of the world: and on the other side, he that lives in obedience to the holy commandments of God, will undoubtedly be sav'd, tho' he never went a step on pilgrimage in his life, either to Rome or Canterbury, or Compostell, or to any other places.'"

"Sir John having thus read his Writing, we with our brethren the bishops abovementioned, and divers other doctors and learned men, held a consultation about the contents of it: and by the advice and agreement of the same, we thus applied to the said sir John Oldcastle, at the same time and place: 'Look you, Sir John! In this writing of yours, it must be confessed there are contained many good things and right Catholick; but this day was appointed you to answer to other points, which savour of error and heresy, which your declaration has not fully answered; and therefore you ought to explain yourself more clearly as to those points, and more particularly declare your faith and assertions expressed in the said writing, viz. Whether you hold, believe, and affirm, that in the sacrament of the altar, after consecration by the priest, there remaineth material bread or not? Also, whether you hold, believe, and affirm, that in the sacrament of penance, it is necessary, where a priest can be had, to confess your sins to the priest, ordained by the church?'—To which state of the questions, amongst many other things said by the said sir John, he answered, expressly, That he would not declare himself otherways, nor return any other Answer, than in his said Writing. Upon this we replied to the said sir John, with much patience, and in a courteous and affectionate manner: 'Sir John, it behoves you to consider well of this matter, because if you don't return a clear answer to the articles exhibited against you, within the time assigned by the judge, we may proceed to pronounce and declare you an heretick.' But sir John would abide by his former answer, and afford us no other.

"We therefore advised with our brethren the

bishops above-mentioned, and others of our council, and by their advice we declared to the said sir John Oldcastle, what the holy Roman Church, following the doctrines of St. Austin, St. Jerom, and St. Ambrose, and other fathers, in these points, had determined; which determinations all Catholicks were obliged to submit to. To which the said sir John gave for Answer; 'That he would readily assent to and observe the determinations and decisions of holy church, and all that God required him to believe and observe; but that our lord the pope, the cardinals, the archbishops, and bishops, and other prelates of the church, had power to determine such things, he would by no means affirm.' We, still patiently bearing with him, in hopes he might be better informed by mature deliberation, promised the said sir John, That certain determinations, relating to the points above-mentioned, and to which he ought to give a clearer Answer, should be translated from the Latin into English, that he might the more easily understand them, and they be published for his use. And we commended and affectionately entreated him to prepare and deliver in a full and clear answer to the same on Monday next following.

"And we caused these determinations to be translated the same day, and to be delivered into his own hands the next Sunday, the tenor of which determination is as follows: 'The faith and determination of the holy catholick church, concerning the sacrament of the altar, is this, That after consecration by a priest at mass, the substance of the bread is chang'd into the material body of Christ, and the substance of the wine into the material blood of Christ; therefore after consecration, there remaineth not any of the substance of bread and wine, which were in both before it. What Answer do you give to this Article?—Also holy church hath determined, that it is the duty of every Christian living in the world, to confess his sins to a priest, ordain'd by the church, if he has the opportunity of such an one. What are your sentiments of this Article?—Christ ordain'd St. Peter to be his vicar on earth, whose see is the church of Rome; and that all the successors of Peter, who are now called the popes of Rome, should succeed in the same power and authority with which Christ invested him; by whose special power are constituted and ordained prelates in particular churches, as archbishops, bishops, curates, and the rest of the ecclesiastical order; to which all Christians owe obedience, according to the traditions of the Roman church. This is the determination of holy church, and what is your opinion of this Article?—Besides these, the holy church hath ordain'd, that it is the indispensable duty of every Christian man to go on pilgrimage to holy places, and there to adore the sacred relicks of the apostles, martyrs, and confessors, and of all the saints in the calendar of the Roman church. How do you hold this Article?'

"On Monday the 25th of the said month of September, we assembled with our brethren the bishops above-mention'd, with the addition, by our order and command, of our venerable brother Benedict, by the grace of God bishop of Bangor. And our counsellors and officers, namely, Mr. Henry Ware, official of Canterbury; Philip Morgan, doctor of both laws; Howel Kyffen, John Kemp and William Carleton, doctors of the canon law; and John Witnam, Thomas Palmer, Robert Wombervel, John Withead, Robert Chamberlain, Richard Doddington, and Thomas Walden, doctors in divinity; also James Cole and John Stevens, our notaries, both called to assist, and take the Examinations, in the Trial, were all and every of them sworn upon the holy evangelists, as they would answer it to God and the world, faithfully to discharge their duty that day, in the matter and cause above-mention'd.

"After this Robert Morley knight and lieutenant of the Tower of London, brought sir John Oldcastle into court, and set him before us: To whom we affably and courteously repeated the Proceedings of the former day, and, as before, told him, How he had been, and still stood, excommunicated; and we intreated and besought him to desire and accept of absolution, in the usual form of the church. To which sir John then answered in these words: 'That he desired no absolution from us, but only from God.'—Upon this we prayed the said sir John, with an air of kindness and concern, to give his full Answer to the Articles exhibited against him. And first we demanded what he had to say about the Sacrament of the Eucharist? To which Article, among other things he answer'd and said, 'That as Christ, when he liv'd upon earth, had the divine and human nature united together in him, and the divine was veil'd and cover'd under the human, and only the human visible and outward; so in the sacrament of the altar, there is the very body of Christ, and real bread too; the bread is the thing we see with our eyes, and the body of Christ, which is hidden under it, we do not see.' And the faith about this Sacrament of the Altar, express'd in the Writing which we sent to him, as determin'd by the holy Roman church and the fathers, he expressly deny'd to be the determination of the church, or, if it was the determination of the church, he asserted such determination to be made contrary to the holy scriptures, and after the church was aggrandiz'd and corrupted, and not before.

"To the Articles about Penance and Confession, he answer'd in these words: 'That if any one is so entangled in the snares of sin, that he knows not how to extricate himself, it is advisable and expedient for him to apply to some pious and discreet minister for ghostly counsel: but that he should confess his sin to his own or any other priest, tho' he had never so good an opportunity, is not at all necessary to salvation, because such a sin can be forgiven only upon contrition, and on that alone can the sinner be clear'd.'—Concerning the Adoration of the Holy Cross, he then declared

and asserted, 'That the body of Christ, which hung upon the cross, ought only to be worshipp'd, because that body was and is the only adorable cross.' And being ask'd what honour he allow'd to the image of the cross? he answer'd in these express words; 'That to keep it clean and in his closet, was the only honour he vouchsafed it.'—As to the power of the Keys, our lord the pope, archbishops, bishops, and other prelates, he said, 'The pope and we together made up the true antichrist: the pope was the head, the archbishops, bishops, and other prelates the body and limbs, and the friars the tail of antichrist; To which pope, archbishops, and prelates, there was no obedience due, any further than they imitated Christ, and Peter, in their lives, manners, and conversation; and that he is the successor of Peter, who follows him in the purity of his life and conversation, and no other.'

"The said sir John added, addressing himself with a loud voice, and extended hands, to the people that were present: 'Those who sit in Judgment upon me, and are desirous to condemn me, will seduce you all, and themselves, and lead ye to Hell; take therefore good heed of them.' Upon his saying this, we apply'd to the said sir John, and besought him, with tears in our eyes, and exhorted him in the most compassionate manner we could, to return to the unity of the church, to believe and embrace the faith and doctrine of holy church. To which he return'd this peremptory Answer: 'That he would not believe nor maintain otherwise than he had before declar'd.'

"Seeing therefore he was so harden'd in his errors, that we had no hopes of working on him to renounce them, we proceeded with regret and bitterness of heart, to pronounce the following definitive Sentence:

"In the name of God, Amen. We Thomas, by divine permission, archbishop and humble minister of the holy church of Canterbury, primate of all England, and legate of the apostolick see: Whereas in our last convocation of the clergy of our province of Canterbury, holden in the cathedral church of saint Paul, London, after consultation upon several heretical tenets, and strict inquiry made who were the authors and abettors of the same, sir John Oldcastle, knight, and lord Cobham, was detected and presented of and for the said heresies, as having given great scandal throughout our province of Canterbury, by openly and avowedly professing the same; upon the address and representation of all the clergy in the said convocation for a process, we proceeded according to law against the said sir John, and (as God knows) with all the equity and favour that could possibly be shew'd: and, following the steps of Christ, 'who would not the death of a sinner, but rather that he should be converted and live,' we endeavour'd to reclaim the said sir John, and try'd all ways and means that we could devise to reduce him to the unity of the church, declaring unto him the doctrines, tenets, and determinations of the holy Roman and universal church, relating to those points. And tho' we found he had apostatiz'd from the catholick faith, and was so confirm'd in his error, that he would not confess it, nor clear himself of it, nor disavow it; yet forbearing him in paternal love, and out of a sincere desire of his salvation, we allow'd him a competent time for deliberation, and wherein he might repent and reform himself.—But forasmuch as we have experienced the said sir John to be incorrigible and irreclaimable, we at last with grief and heaviness of heart, in obedience to what the law requires, proceed to give sentence definitive against him—In the name of Christ, and having his honour only in view; forasmuch as we have found by divers acts done, produced, and exhibited by indications, presumptions and proofs, and many other kinds of evidence, that sir John Oldcastle knight is really and truly an heretick, and a follower of hereticks, against the faith and religion of the holy Roman and catholic church, and particularly with respect to the sacraments of the eucharist and penance; that, as a child of darkness and iniquity, he has hardened his heart to that degree, that he refuses to hear the voice of his pastor, and will not be prevailed upon by gentle monitions, nor reduc'd by soft persuasions, tho' the merits of our cause, and the demerits of his own, he had diligently canvassed and weighed, and so aggravated the wickedness of his error by his damnable obstinacy: we unwilling that he should contract further degrees of guilt, by infecting others with the contagion of heresy, by the advice and consent of men famous for discretion and wisdom, our venerable brothers, the lords, Rd. bishop of London, Henry bishop of Winchester, and Benedict bishop of Bangor, and some other doctors of divinity, and of canon and civil law, and other religious and learned persons, called to our assistance: we do peremptorily and definitively, by this present writing, judge, declare, and condemn the said sir John Oldcastle for an heretick, convicted of the detestable crime of heresy, and utterly refusing to be reconciled to the church by repentance, and an apostate from those doctrines, in the abovementioned articles especially, which the holy Roman and catholick church holds, teaches, and hath determined: and we leave him from henceforth as an heretick, to the secular Judgment.—And furthermore, we have excommunicated, and by these presents do denounce excommunicated, the said heretick, and all others who shall hereafter, in favour of his error, countenance, defend, or afford him any counsel, aid, or comfort: deeming such person or persons as abettors, encouragers, and defenders of hereticks.—And that these premises might be promulg'd and known to all christians, we charge and enjoin you, forasmuch as the said sir John Oldcastle was and is condemned by us for an Heretick, a Schismatick, and as erroneous in the above-mention'd articles, and also all other persons, who out of favour or affection to his error, shall hereafter counte-

nance, defend, or afford him any counsel, aid, or comfort, are excommunicated, as deem'd abettors, encouragers, and patrons of hereticks, according to our said definitive sentence, to give orders and directions to your priests and curates of your respective cities and dioceses, in their respective churches, when there is the greatest congregation of people, to declare, publish, and expose with loud and audible voice, and in our mother tongue, the said heretick, and hereticks, according to our said definitive sentence, and the order observed in this process; to the end that any wrong notions, which possibly the people may have given into concerning these matters, and our proceedings upon them, might be rectify'd by this publick declaration.—Moreover, we will and command you the bishops here present, to take copies hereof word for word, and send one to each bishop of our province of Canterbury, that so all and every of them may publish, intimate and declare, and cause by their respective priests and curates to be publish'd, in their several cities and dioceses, the manner and form of this our proceeding, and also the said Sentence pronounced by us, and all and singular contents of the same.—And, lastly, we require of you and them, that this business be dispatch'd with all convenient expedition; and that you and they do duly and punctually advise and certify us of the time of receiving these presents, and how this our command has been executed, by your and their letters patent, according to the tenor hereof.—Given at our palace at Maydstone, on the 10th day of October, in the year of our Lord 1413, and of our translation the 18th."

The [forged] Indictment and Outlawry of Sir John Oldcastle, Lord Cobham, for High-Treason. [*Hil.* 1 *Hen. V. Rot.* 7. *B. R.*]

Alias coram Gulielmo Roos de Hamlak, Henrico le Scrop, Gulielmo Crowmere Majore civitatis London, Hugone Huls & sociis Justic' Domini Regis, ad inquirend' per sacram' proborum & legal' hominum de civitate Domini Regis London, & suburbiis ejusdem, ac de com' Midd' tam infra libertates, quam extra, de omnibus & singulis proditionibus & insurrectionibus, per quamplures subditos Domini Regis Lollardos vulgarit' nuncupatos, & alios in civitate, suburbiis, & com' prædictis factis & perpetratis, necnon de omnibus proditionibus, insurrectionibus, rebelliombus, & feloniis in civitate, suburbiis, & com' præd' per quoscunque & qualitercunq; factis, perpetratis & ad easdem proditiones, insurrectiones, rebelliones, & felonias audiend' & terminand' secundum legem & consuetudinem regni Domini Regis Angliæ, per literas ipsius Domini Regis patentes, assign' apud West' die Mercurii proximo post festum Epiphaniæ Domini, anno regni Regis Henrici quinti post conquestum primo, per sacram' xii. jur' extitit præsentatum, quod Johannes Oldcastle de Coulyng in com' Kanc' clr' & alii Lollardi vulgar' nuncupat', qui contra fidem catholicam diversas opiniones hæreticas, & alios errores manifestos legi catholicæ repugnantes diu temerarie tenuerunt, opiniones & errores prædictos manutenere, at in facto minime perimplere valentes, quandiu regia potestas, & tam status regal' Domini nostri Regis, quam status & officium Prælaciæ dignitatis infra regnum Angl' in prosperitate perseverarent, falso & proditorie machinando, tam statum regni, quam statum & officium prælatorum, necnon ordines religiosorum infra dictum regnum Angl' penitus adnullare, ac Dominum nostrum Regem, fratres suos, prælatos & alios magnates ejusdem regni interficere, necnon viros religiosos, relict' cult' divinis & religiosis observanciis ad occupationes mundanas provocare, & tam ecclesias cathedrales, quam alias ecclesias & domos religiosas de reliquis & aliis bonis ecclesiasticis totaliter spoliare, ad funditus ad terram prosternere, & dictum Johannem Oldcastle regentem ejusdem regni constituere, quamplura regimina secundum eorum voluntatem, infra regnum prædictum, quasi gens sine capite, in finalem destructionem, tam fidei catholicæ & cleri, quam status & majestatis dignitatis regal' infra idem regnum ordinare, falso & proditorie ordinaverunt & proposuerunt, quod ipso insimul cum quampluribus rebellibus Domini Regis ignotis, ad numerum viginti millium hominum de diversis partibus regni Angl' modo guerrino arrivat', privatim insurgent', & die Mercurii proximo post festum Epiphaniæ Domini, anno regni Regis prædicti prædicto, apud villam & parochiam sancti Ægidii extra Barram veteris Templi London, in quodam magno campo ibidem unanimit' convenirent, & insimul obviarent pro nephando proposito suo in præmissis perimplend'; quo quidem die Mercurii apud villam & parochiam prædicti J. Oldcastle & alii in' hujusmodi proposito proditorio perseverantes, prædictum Dominum nostrum Regem, fratres suos (videlicet, Thomam ducem Clarenciæ Johannem, de Lancastre, & Humfredum de Lancastre) necnon prælatos & magnates prædictos interficere, necnon ipsum Dominum nostrum Regem, & hæredes suos, de regno suo prædicto exhæredare, & præmissa omnia & singula, necnon quamplura alia mala & intolerabilia, facere & perimplere falso & proditorie proposuerunt & imaginaverunt, & ibidem versus campum prædictum modo guerrino arrivati' proditorie modo insurrectionis contra ligeancias suas equitaverunt ad debellandum dictum Dominum nostrum Regem, nisi per ipsum manu forti gratiose impediti fuissent. Quod quidem inditament' Dominus Rex nunc, certis de causis, coram eo venire fecit terminandum. Per quod præceptum fuit Vic', quod non omitteret, &c. quin caperet præfatum Johannem Oldcastle, si, &c. & salvo, &c. ita quod haberet corpus ejus coram Domino Rege apud Westmonasterium ad hunc diem, scilicet die Mercurii proximo post octavas sancti Hilarii, isto eodem termino ad respondendum Domino Regi de præmissis, &c. Ad quos diem & locum coram Domino Rege Vic', quod exigi faceret eum de com' in com' quosque utlagetur, si non, &c. & si, &c. tunc eum caperet, & sal-

vo, &c. ita quod haberent corpus ejus coram Domino Rege in octavas sancti Johannis Baptistæ ex tunc proximum sequentem, ubicunque, &c. ad respondendum Domino Regi de proditionibus & feloniis superius sibi impositis. Ad quas octavas sancti Johannis Baptistæ, an' regni R. Henrici quinti post conquestum secundo, Johannes Sutton & Jo' Michell' Vic' Mid', coram Domino Rege returnaverunt, quod ad com' Midd' centum apud Braynford die Jovis proximo ante festum S. Barnabæ Apostoli, an' reg' R. Hen' quint' post conquestum secundo; & ad quatuor com' ex tunc ex proximo præcedentes, prædictus Johannes Oldcastle exactus fuit, & non comparuit; & quia ad nullum eorundem com'comparuit, ideo præsentibus Coronatoribus com' prædicti utlagat' fuit, per quod inquiratur de terra & catallis suis.

21. Proceedings, upon an *ex post facto* Act, against Sir JOHN MORTIMER, for making his Escape from Prison. 3 Hen. VI. A. D. 1424. [1 Cobb. Parl. Hist. 350.]

SIR John Mortimer, of Bishop's Hatfield, Hertford, having been indicted on the oath of one King, servant to sir Robert Scot, keeper of the Tower of London, upon the Statute of Escapes; an act was made this parliament on purpose to destroy him, alledging several other Articles against him. As, first, "That the said sir John had contrived with him to break out of his imprisonment, and had promised him immediately a reward of 40*l.* a year, to be aiding and assisting to him in his escape; and afterwards an earldom. Second, that the said sir John told him, that after his escape he would go into Wales to the earl of March; and, having raised 40,000 men, would enter the kingdom again, and cut off the heads of the protector and the bishop of Winchester. Third, he had told this informant, that the earl of March was rightful heir to the crown of England, and that after him he was the next heir; wherefore, if the earl of March refused to recover his right, he himself would take upon him the regal power as his due. Lastly, that when he came into Wales, if the earl of March would not accept his service, nor engage in the cause, he would then fly into France, and assist the French king against Henry, and did not doubt but in the end he should gain his design."—It appears by the Record, that this sir John Mortimer had been committed prisoner to the Tower, for suspicion of Treason done against the late king, from whence he had made his Escape the first year of this reign. For which escape alone, we suppose, he was indicted, and this indictment, by the authority of parliament, was allowed to be good. And the said sir John being again apprehended and brought before this parliament, Judgment was given against him, to be carried back to the Tower, and drawn from thence to Tyburn, there to be hanged, drawn, and quartered; his head set on London bridge, and his four quarters on the four gates of the city.

22. Proceedings against HENRY BEAUMONT, Bishop of Winchester, for High Treason: 4. Henry VI. A. D. 1426. [Cotton. Hall. Holling. 1 Cobb. Parl. Hist. 354.]

ABOUT this time it was, that a dangerous quarrel was set on foot between two very great men, both chief supporters to the house of Lancaster; Humphrey, duke of Gloucester, lord protector, and Henry Beaufort, the rich bishop of Winchestor, great uncle to the king. The latter of these, by his magnificence and grandeur, seemed so much to out-shine the Protector himself, though almost on the throne, that he drew on him the odium and jealousy of the other. The haughty spirit of the bishop, being legate to the pope in England, was so great, that the Protector could not endure his pride; and such an implacable enmity grew between them, that great parties were raised, on both sides, for each other's defence. In short, a civil war, it was much dreaded, would be the consequence; and, all their mutual friends could do, was not sufficient to pacify the mind of the Protector, or to make the Prelate yield any further, than, as he thought, was becoming his high place and state. In this situation the bishop, however, thought proper to write a letter to the duke of Bedford, regent of France, to come over and endeavour to heal matters between them. The duke came accordingly, and calling a council of the chief nobility at Saint Albans, many hot contests arose; and, nothing being concluded at that time, it was adjourned to Northampton, but to as little purpose; till, at last, it was determined, that these differences should be referred to parliament.

Accordingly, writs of summons were issued out, dated Westminster, Jan. 7, 1426, for one to meet, at Leicester, on the 18th of Feb. At which time and place being assembled, in the great hall of the Castle of Leicester, much care had been taken to prevent any tumults between the great trains of the protector and the bishop, by strictly prohibiting any person whatsoever, to come thither with swords or any other warlike weapon. Which order, though

it was literally observed, yet the lords and their attendants came armed with batts, or great clubs, on their shoulders; from whence this meeting got the name of "The Parliament of Bats;" but this, also, as soon as it was taken notice of, was prohibited. Being all, at length, sat in a peaceable manner, as aforesaid, the young king being there, also, present, the bishop of Winchester, as lord chancellor of England, declared the cause of the summons, in a very short manner; for, after telling them that the king's will was, that all estates should enjoy their liberties, he took his subject from these words of Saint Paul: *Sic facite ut salvi sitis.* These the learned prelate divided into three parts, and referred them: 'First to God, for protecting the faith of the church, against all invasions from Lollards and Heretics: 2dly, by imparting sound counsel; and, lastly, by granting the several needful subsidies. By which, he affirmed, three virtues and conveniences would follow, viz. glory to God, by protecting his faith; honour to the king, by receiving good advice; and peace to the subject, by their liberal grants. In all which he desired, that every estate of this parliament would labour; and that the commons would chuse, and the next day present, their Speaker.' —The same day the commons presented, before the king, sir Richard Vernon, knight, to be their Speaker; who, with the common protestation, was allowed.

Then the commons expressed their great dislike to the Dissentions between duke Humphrey and the bishop of Winchester, and moved for their reconcilement. On which, the duke of Bedford, some bishops, and other lords, made a solemn decree amongst themselves, to bear and determine the said difference, without favour or affection. Which order, after every one of the lords had sworn to observe, they sent a copy of it to the commons. They then proceeded in the matter, and, at length, caused the said duke and bishop, by their formal instruments, to have their disputes compromised, and referred to the decision of a select committee of certain bishops and lords; who, after some time, came to this resolution: first, that the said bishop of Winchester should submit himself to the king's mercy; which he did accordingly. And, then the duke of Bedford, in open parliament, pronounced the said bishop innocent of what was alledged against him, in that he procured a person to murder the late king, when he was prince, as the murderer himself confessed who was drowned by the earl of Arundel. And, also, in that he should counsel and advise the said prince to have deposed Henry IV. his father. Likewise, it was awarded by the said committee, that the bishop should acknowledge his offence to the duke of Gloucester, and, in a submissive manner, ask his pardon; that the said duke should freely forgive him; and, in token of a thorough reconciliation, each should take the other by the hand; which was accordingly done before the whole assembly.

This is all the account which sir Robert Cotton has thought fit to extract, relating to this strong contention between these two noblemen; who, though so nearly related as uncle and nephew, yet still carried on that implacable malice against each other, which ended not but in the death of one or both of them. However, the Chronicles of Hall and Hollingshead are not so silent in this matter; they tell us, that when the affair of the quarrel was brought before the parliament, and each party allowed to plead his cause freely, the Protector, who looked upon himself as the person aggrieved, exhibited five Articles against the bishop, to all which he was urged to give in his Answer. Which Articles and Answers are as follow:

Articles of Accusation presented to the Parliament by the Duke of Gloucester, against Henry, bishop of Winchester, with his Answers to them severally.

1. "That Richard Woodvile, esq. keeper of the Tower of London, did by the instigation and encouragement of the said bishop of Winchester, deny admittance to him the said duke of Gloucester, then being Protector of the kingdom, into the Tower, contrary to reason and duty, and in derogation to the kings authority. To this Article the bishop answered, "That while the duke of Gloucester was gone into Hainault, it happened that many pamphlets and reports being dispersed up and down the city of London tending to rebellion, it was ordered by the lords of his majesty's council, that Richard Woodvile, esq. should with a sufficient number of armed men have the keeping of the Tower, and should not permit any man to come into the Tower stronger than himself, without the special commandment of the king, by the advice of his council. After this strict charge the duke of Gloucester returning out of Hainault, and not approving the fortifying the Tower, told the citizens, who were dissatisfied at it, 'That had he been in England it should not have been so;' and immediately going to the Tower demanded admittance, but Woodvile, not daring to give him entrance, came to the bishop of Winchester for advice, who told him, 'that the duke of Gloucester took more upon him than he ought, and that before he admitted him into the Tower, he ought to provide himself a sufficient warrant of the king and council for his so doing contrary to the former order."— 2. That the bishop of Winchester, without the advice or consent of the duke of Gloucester, or of his majesty's privy council, contrived and purposed to lay hands on his majesty's person, and to have removed him from Eltham, the place that he was then in, to Windsor, there to put him under the government of such persons as he pleased. The bishop's answer to this article was, "That he never could propound to himself any advantage by removing the king, or taking him into his custody or charge, nor did ever intend to meddle with any thing about the king's person without the advice of the privy council, as in time and place he could prove."—

3. That the bishop of Winchester knowing that the duke of Gloucester had resolved to prevent his design of seizing the king's person at Eltham, laid wait for him, by placing armed men at the end of London-bridge, and in the windows of the chambers and cellars in Southwark, to have killed him, if he had passed that way; all which is against the king's peace, and duty of a true subject. The bishop's defence was, "That true indeed it is, that he did provide a certain number of armed men, and set them at the foot of London-bridge, and other places, without any intention to do any bodily harm to the duke of Glocester, but merely for his own safety and defence, being informed by several credible persons, that the duke of Gloucester had purposed bodily harm to him, and gathered together a company of citizens for that end."—4. That the late king Henry 5, told him, that when he was prince, a man was seized in his chamber; who was hid behind the hangings, and confessed after his apprehension, that he was set at work by the bishop of Winchester, to kill the prince in his bed. He was delivered to the earl of Arundel, who drowned him in a sack in the Thames. To this accusation the bishop replied, "That he was ever a true and faithful subject to his sovereigns, and never purposed or contrived any treason against any of their persons, and especially against his sovereign lord Henry 5. And this he thought was sufficiently evident to any, that considered the great wisdom and courage of the said king, and the great trust he reposed in him so long as he remained king, which he would not have done had he found him guilty of such unfaithfulness to him while he was prince."—5. That the bishop of Winchester in the sickness of king Henry 4, advised his son prince Henry, to assume the government of the nation before his father's death, as the said prince himself told him. The bishop replied "That this was mere calumny, which could not be proved; and he hoped the parliament would appoint them judges, that he might vindicate his honour, or else leave him to sue out his right before suitable judges."—6. That the bishop of Winchester had, in his letter to the duke of Bedford, plainly declared his malicious purpose of assembling the people, and stirring up a rebellion in the nation, contrary to the king's peace. The bishop's answer was, "That he never had any intention to disturb the peace of the nation, or raise any rebellion, but sent to the duke of Bedford to come over in haste to settle all things that were prejudicial to the peace; and though he had indeed written in the letter, 'That if he tarried, we shall put the land in adventure by a field, such a brother you have here:' he did not mean it of any design of his own, but concerning the seditious assemblies of masons, carpenters, tilers and plaisterers, who being distasted by the late act of parliament against excessive wages of those trades, had given out many seditious speeches and menaces against the great men, which tended much to rebellion; and yet the duke of Gloucester did not use his endeavour, as he ought to have done in his place, to suppress such unlawful assemblies, so that he feared the king and his good subjects must have made a field to withstand them: to prevent which, he chiefly desired the duke of Bedford to come over."

This Charge, and the Answers to it, being thus delivered into the parliament, the further examination of it was by the houses devolved upon a select number of lords, who having thoroughly examined all matters, acquitted the bishop, and by a formal award enjoined them to be firm friends for the future; and by such inducements wrought upon them, that they shook hands, and parted with all outward signs of perfect love and agreement, which gave a mighty satisfaction to all people, both of the clergy and laity. And the king, by the advice of his council, made a magnificent feast at Whitsuntide, to rejoice for this happy reconciliation.

23. Proceedings against WILLIAM DE LA POLE, duke of Suffolk, for High Treason: 28 Hen. VI. A. D. 1451. [1 Cobb. Parl. Hist. 386.]

IN the parliament which met at Westminster, on the 22nd of January 1451, came on the Trial of the duke of Suffolk, on several Articles of High Treason; which, because he saw that he could not avoid, he moved for himself. For, according to the Record, on the twenty second of January the duke stood up in the house of lords, and required the king "That he might be specially accused, and be allowed to answer to what many men reported of him, that he was an unfaithful subject." He further told the king, "That his father, and three of his brethren, died in his service and that of his father's and grandfather's. That he himself had served in the wars thirty-four years; and, being but a knight, and taken prisoner, had paid for his ransom 2000*l*. That he had been of the Order of the Garter thirty years, and a counsellor to the king fifteen years, and had been seventeen years in the wars, without returning home. And, asking God's mercy, as he had been true to the king and realm, he required his purgation."—January 26, the Commons came before the Lords, and required that the duke, on his confession, might be committed to safe custody; but the lords and judges, upon consultation, "thought there was no good cause for it, unless some especial matter was objected against him."—January 28, the Speaker came again, and de-

clared, "That the duke of Suffolk, as it was said, had sold this realm to the French, who had prepared to come hither; and that the said duke, for his own defence, had furnished the castle of Wallingford with all warlike munition;" whereupon, at the Speaker's request, the said duke was committed to the Tower of London.—February 7, the Speaker of the commons, the chancellor, and the lords, sent to the king a Bill of Articles, by which they accused William de la Pole, duke of Suffolk, late of Ewelm in the county of Oxford, of sundry Treasons, viz.

"1. That the said duke having the wardship of Margaret the daughter and heir of John duke of Somerset, he meant to marry his son John to her; and thereby for want of issue of the king, to claim the crown, and to procure the French king, by means of certain French lords, there named, to depose the king.—2. That he procured the delivery of the duke of Orleans, and practised with him to cause the French to recover the English conquests in that kingdom.—3. Related to the duke's promise of delivery of Anjou and Main, to requite the king of Sicily the king's enemy, without the assent of the other ambassadors.—4. For disclosing the king's counsel to the earl of Dumoys bastard of Orleans, and to others of the French nation.—5. For betraying to the French the strength of the king's piles, ordnance, and munition, beyond sea.—6. That the said duke, by disclosing the king's secrets, caused the peace to be broken.—7. That the said duke supported the king's enemies, by staying sundry arms which should have passed against them.—8. That the said duke had strengthened the king's enemies against him, by not compromising in the last peace the king of Arragon, who is almost lost; and the duke of Britany, who is wholly so." All which Articles, the commons require to be enrolled, and that prosecution may be awarded thereon.

On the 9th of March the commons made a new Complaint against the duke, in effect following: "First, for procuring the king, in his eighteenth year, to give away the inheritance and lands of the crown. For procuring many liberties in derogation of the common law, and hindrance of justice. For causing the king to give away the castle of Manlion de Searl, and other territories in Guienne. For that the earl of Armanac and other nobles of Guienne, were drawn from their obedience to the king, by the said duke's discovering of secrets, to the utter impoverishment of this realm. For procuring the king to bestow the keeping of divers towns and offices in Normandy and Guienne, on unworthy persons. For procuring the king to grant the earldoms of Enreney and Longueville, and other lordships in Normandy, to the bastard of Orleans, and other Frenchmen, the king's chiefest enemies, without the assent of the council. For that the duke procured the king, in his own presence, to promise the French ambassador to attend in person at the convention in France, to the king's subversion if it had taken effect. For causing the subsidies granted to be contrarily employed. For causing the king's treasure to be spent on the French queen, and other French people. For consuming the sum of 60,000*l.* left by the lord Dudley the late treasurer. For conveying out of the king's treasury the obligations of the finance for the duke of Orleans. For procuring himself to be made earl of Pembroke, and obtaining the lordships of Haverford-west, after the death of sir Rowland Lenthal. For staying the process of outlawry against William Talbois, esquire of Lincoln, upon several appeals of murder. For procuring a pardon to the said William for not appearing upon suretyship of peace. For procuring persons of his confederacy to be made sheriffs. For procuring a garrison of Englishmen to fight against the Germans, the king's allies, on the part of the French, the king's enemies." All which Articles the commons required to be enrolled, and that the said duke might answer to them.—On the same day, the duke of Suffolk was brought from the Tower, by the king's writ, into the Parliament Chamber, at Westminster, before the king and lords; to whom the Articles aforesaid were rehearsed, who desired a copy of them, which was granted. And, for the more ready answer to them, he was committed to the custody of certain esquires, in the Tower within the king's palace.

On the 14th of March the said duke appeared again before the lords, and on his knees denied the truth of the first eight Articles of Treason against him; and offered to prove them false in any manner the king should appoint. The first of them he denied as impossible, inferring, that some of the lords knew he meant to have married his son to the earl of Warwick's daughter, if she had lived. To many of the rest, he referred himself to the king's letters patents, and to some acts of the council. To the yielding up of Anjou and Main, he referred also to the acts of the council; which shew, that other lords were privy thereto, as well as himself, and said that the same was delivered up by the bishop of Chichester, then keeper of the privy seal.—On the 17th, the said duke was brought again before the lords, to whom the chancellor repeated the Answer he had made, and told him, that therein he had not put himself upon his peerage, and asked the duke which way he would be tried? Who, kneeling, said that he hoped he had answered all things to the full, and so protesting his innocency, referred himself entirely to the king's mercy and award.—Thereupon the Chancellor, by the king's command, pronounced this Sentence, "That since the duke did not put himself upon his peerage, the king, in relation to the Articles of Treason contained in the first Bill, would be doubtful. And as to the Articles of Misprision, the king, not as judge by the advice of the lords, but as one to whose order the duke had committed himself, doth banish him the realm, and other his dominions, for five years; from the 1st of

May next ensuing."—After which Sentence being given, lord Beaumont, lord high constable, stood up, on the behalf of the bishops and lords, and required, "That it might be enrolled, that the said Judgment was by the king's own rule, and not by their assent; and also required, that neither they nor their heirs should, by this example, be barred of their peerage and privileges."

The foregoing account of this parliamentary inquiry into the misconduct of a prime minister, is taken from the Records themselves. Undoubtedly, the mildness of his Sentence proceeded from the queen's great indulgence to him; who was in hopes, that his short banishment might last longer than the malice of his enemies against him. But, unhappily for both, the duke was taken prisoner at sea, by a private English captain, who had waylaid him, had his head struck off on the side of a long-boat, and his body thrown into the sea.

24. Proceedings against GEORGE duke of CLARENCE, brother to King Edward the Fourth, for Treason: 18 Edw. IV. A. D. 1478. [1 Kenn. 475. 1 Rapin, 623. 1 Cobb. Parl. Hist. 436.]

WHILE the duke of Clarence was in Ireland, not suspecting any design against himself, the queen and his brother the duke of Gloster were plotting his destruction. Upon his return to the court he understood that Thomas Burdet of Arrow in the county of Warwick, esq. who ever was dependant upon him, had been in his absence apprehended, indited, arraigned and executed all in the compass of two days. The crime upon which his Accusation was principally grounded, were inconsiderate words, by which, upon a report that the white buck in which he much delighted was killed as the king was hunting in his park, he wished the head and horns and all in the king's belly, whereas indeed he wished it only in his belly, who counselled the king to kill it. With this Accusation were mingled many other of poisoning, sorceries, and inchantments: crimes which every judicious man easily perceived, were only put in the scale like grains, to make his rash language full weight, which otherwise would have been too light to deserve the sentence of death. These proceedings Clarence resented, as they were intended, and expostulated with the king about the injustice done to his servant, and injury to himself. And according to the custom of expostulations, his words were bold and disorderly, and having received an apparent injury, built too much on the right of his cause, and provoked the king too far into indignation; so that soon after he was committed close prisoner to the Tower, where being by act of parliament attainted, he was secretly put to death. The manner, as it is generally received, was by thrusting his head into a butt of Malmesey, by which he was stifled.

In his Attainder, according to the form, are Crimes enough to make his death have appearance of justice, the execution of which the king seemed rather constrained to, than to have sought. For there are reckoned, "how the duke of Clarence, to bring the present government into hatred with the people, and thereby the present state into trouble; had not only in his speeches frequently laid injustice to the king's charge in attainting Thomas Burdet falsly, convict of many notorious Treasons, but suborned many of his servants and divers others, corrupted with money, to divulge the like seditious discourses: That he had spread abroad impious rumours that the king dealt by necromancy, and upon offence against such of his subjects, whom by order of law he could not destroy, he was accustomed to take them away by poison: That he had not rested there, but thereby to advance himself to the kingdom, and for ever to disable the king and his posterity from the crown, he had, contrary to truth, nature and religion, viper-like destroying her who gave him life, published that the king was a bastard, and no way capable to reign: that to make this his so monstrous ambition more successful, and already to begin his usurpation, he had caused many of the king's subjects to be sworn upon the most blessed sacrament to be true to him and his heirs, without any exception of their allegiance; after which so solemn oaths, he discovered to them his resolution to right himself and his followers, who had both suffered by the king's violent wresting away their estates: and in particular to revenge himself upon the king, who (as he most impiously and falsely suggested) had by art-magic contrived to consume him as a candle consumeth in burning. And what most expressed the treason of his designs, that he had got out an exemplification under the great seal of Henry 6, late king; wherein was shewed how by the parliament it was enacted, that if the said Henry and Edward his son should die without issue male, the kingdom should descend upon the duke of Clarence and his heirs; whereby clearly appeared his intention, immediately to possess himself of the crown, with destruction of king Edward and his children, by pretence of a general election of the commonwealth."

This was the sum of his Attainder, which we may well believe had not so easily past but by the king's public declaring himself: the secret working of the duke of Gloucester; and the passionate urging of the queen's kindred. But this Attainder hath in it one thing most remarkable, that Clarence here was accused of falsely laying bastardy to the king, to endeavour possession of the crown; which afterwards was alledged indeed by Richard duke of Gloucester, to the absolute disinherit of the king's sons.

25. The Trial of Sir WILLIAM STANLEY, knight, for High Treason: 10 Hen. VII. A. D. 1494-5. [Hall and Lord Bacon.]

[There is not a regular account of the Trial of this eminent person, in any book we have met with. Old Fabian, with his usual dryness and brevity, only writes, that about Christmas 1494 sir Robert Clifford impeached sir William Stanley, and that sir William was beheaded the 15th of February following. Fab. 580. Hall, with his followers Grafton and Hollingshead, explains, by whom sir William was accused to the king, what was reported to be his offence, and how the king acted on the occasion; adding some conjectures as to the cause of sir William's alienation from the king; but as to the Trial itself, all they say is, that he was condemned and executed. Even lord Bacon, though he appears to have taken no small pains to throw every light on the subject, owns, that the memory of the case was dark; and writes of it only from imperfect tradition, aided by the strength of his own conjecture. However, our readers will scarce be averse to seeing what a historian of such a deep penetration writes on a subject so interesting. We shall therefore extract the result of this investigation, after first giving Hall's account, which will be found to be the groundwork of some part of lord Bacon's more splendid and enlightened narrative.—Mr. Hargrave's Note.]

Extract from Hall's Henry VII. p. 35.

SYR Robert Clyfford, partely trusting on the kynges promes, and partely mistrustyng the thing, because he knewe that diverse that were accused to be partakers of that faccion and conspiracy [in favor of Perkyn Warbeck] were put in execucion: and therfore perceavyng that their could not be a more pernicious nor more desperate begonne thinge then that develishe enterprice, returned sodeynly agayn into England. The kynge beynge certefied before of his coming, went streight to the Towre of London the morrow after the daye of Epiphany, and there taryed til suche tyme that syr Robert Clyfford was there presented to hys person, which thinge he used under this pretence, that if syr Robert Clifforde had accused any of the nobilitie to be partakers of this ungracious fraternitie and diabolical conjuracion, that then every such person might be called thether without suspeccion of any evell, and there streight to be attached and cast in holde. —But before I go any farther I wil shew the opinion that at that time ranne in many mens heddes of this knyghts goynge into Flaunders. Some men helde this opinion, that kyng Henry for a polecy dyd sende him as a spye to Flaunders, or els he, woulde not have so sone receaved him into his grace and favour agayn. Neverthelesse this is not like to be true by diverse reasons and apparant argumentes, firste, after that attempt begonne by syr Robert, he was in no smal dangier himselfe, and by that was not a litle noted, and hys fame blemished, but also hys frendes were suspected and had in a gealosy. Secondarely, he was not after that in so great favour, nor so estemed with the kynge as he had been in tymes past, because he was blotted and marked with that cryme and offence. And therfore he hearing his favoure to the house of Yorke, entendynge in the beginning to administer displeasure to kyng Henry, sayled to the lady Margaret, beyng seduced and brought in belefe that Perkyn was the very sonne of kynge Edward. But to my purpose: when syr Robert came to the presence of the kynge, he knelyng on his knees most humblye, beseeched hym of grace and pardone, whiche he shortely obteyned. And after that beynge requyred of the maner and ordre of the conjuracion and what was done in Flaunders, he opened every pointe to his knowlege, and after disclosed the names, as well of the aiders and fautoures as of the inceptors and begynners. Amongest whome he accused syr William Stanley, whome the kynge made hys chiefe chamberleyn, and one of hys prevy counsayll. When he had so sayde, the kyng was greatly dismayed and greved, that he shoulde be partaker in that greveous offence, considerynge first that he had the governaunce of his chambre, and the charge and comptrolment of all suche as were next to hys bodye, and also callynge to remembraunce the manifolde gratuities, whiche he had receaved at hys hande, but in especiall not forgettynge that benefite above all other, that onely by his aide and succoure, he had vanquished and overthrowen his mortall enemy kynge Rycharde. Wherefore at the begynnynge he coulde in no wyse be induced nor persuaded to beleve, that he was such a prevy conspiratoure or malicious offender; but when the cryme was openly proved and probably affirmed, then the king caused hym to be restrayned from his libertie in his awne chambre within the Quadrate Towre. And there appoynted hym by his prevy counsayll to be examined. In whiche examinacion he nothinge denyed, but wisely and seriously did astipulate and agree to all thinges layed to hys charge, if he were in any of theim culpable or blame woorthy.—The reporte is, that this was his offence. When communicacion was had betwene hym, and this syr Robert Clyfforde, as concerning Perkyn, whiche falsely usurped the name of kyng Edwardes sonne, syr William Stanley sayde and affirmed there, That he would never fight nor beare armure agaynst the young man, if he knew of a truthe that he was the indubitate sonne of kyng Edward 4. Thys poynte argueth and proveth hym at that tyme, beynge moved with melancholy, to beare no great good will to

kyng Henry, whereof suspicion first grewe, and after this ensued the accusacion of syr R. Clyfforde.—Then the kyng doubtinge what to do with him, did consult and breath with hymselfe of this sodeyne chaunce. For he feared least that his brother lorde Thomas Stanley, in whome he had founde great frendship, woulde take this mattre greveously. And if he should remit that fault, that, abusynge his lenyte and mercy, he would be the more bolder to offende and treaspace more highly. Albeit at the last, severitee tooke place and mercy was put backe, and so he was arreigned at Westmynster, and adjudged to dye, and accordinge to that Judgemente was broughte to the Towre-hill the 16 daye of February, and there had hys head striken of. What was the occasion and cause, why the syncere and faythfull mynde, that syr William allways before bare to kyng Henry, was turned into cancarde hatred and dispite, and why the especiall favoure that the kynge bare towarde hym was transmuted into disdeyne and displeasure, dyverse men alledge dyverse causes, affirmynge that when kynge Henry (what other mutuall benefites the one had receaved of the other, I wyll nowe pretermyt and overpasse) in that battaile, in the whiche he bereft kynge Rycharde bothe of hys life and hys kyngdom, beynge associate and accompanied but with a small numbre, and circumvented by kynge Richardes army, and in great jeopardy of his lyfe, thys syr William beynge sent from the lord Standley hys brother with a good company of stronge and hardy men (whiche lorde Stanley was nere the felde with a great army) came sodeynly and fortunately to the succours of kynge Henry, and saved hym from destruccion, and overthrewe kynge Rychard as before you have heard. Surely thys was a benefite above all benefites to be remembred, by the which kyng Henry was not onely preserved alyve, but also obteyned the croûne and kingdome, which great benefite, after the kingdome once obteyned, he did neither forget nor yet left unrewarded. For the lord Thomas Stanley he invested with the swoorde of the countie of Darby, and beside other great giftes and officies geven to William Stanley, he made him his chiefe chamberleyn. This syr William, although he were in great favoure with the kyng, and had in great and high estimacion, more remembring the benefite done to the kyng, then the rewardes and gratuitees of his liberalite receaved, thinking that the vessel of oyle, (according to the gospel) woulde overflowe the brymmes, and as some saye, desiryng to be erle of Chestre and therof denyed, began to grudge and disdeyne the kyng his high frend: and one thing encoraged him much, which was the riches and treasure of king Richard, which he onely possessed at the conflict of Boswoorth: by reason of which haboundance of ryches and greate powre of people, he set nought by the kyng his sovereign lord and mastre. When the king perceaved that his stomack began to canker and waxe rusty, he was with him not a litle displeased, and so when both their hartes were enflamed with melancoly, bothe loste the fruite of their longe continued amitie and favoure. And so it often chanceth, that when men do not consider nor yet regard the great benefites to them exhibited, they rendre agayne hatred for liberalitee, and for breade geven, they yelde agayne a scorpion. Nowe to returne to the matter.

At thys tyme the kyng thought it best, ye and very necessary, not onely to take hede about him, but also to use some sharpe punyshment and correccion of the offences of his subjects, to the intent that the late begon sedicion might the soner be repressed, and for this cause specially that some persons voyde of all honest feare and reverent dread, had taken such courage and audacitie to them, that they feared not to speake evell of their kyng and sovereign lord, with moost spiteful and contumelious wordes, as though thei neither feared nor woulde obey him, or his preceptes and commaundementes, expecting dayly and hourely the arryvall and landing of the feyned Rychard duke of Yorke, now lately rysen from death to lyfe. But when knowlege of the slaunderous and opprobrious woordes were brought to the kynges eares, he caused dyverse persons to suffre condigne punyshment for their heynous offences, whereby their complices wel perceavyng that their entreprice had no prosperous succesſe nor toke any good effect, and especially such as temeruriously began to make mastries and fa:ther seyng what preparacion was made and provyded agaynst theyre tumulteous commocion and frantique entreprice, they of their awne swynge pacefied themselfes, and beganne to turne to their kynge and naturall liege lorde.

Extract from Bacon's Henry 7. in 1 *Kennet's Complete History, p.* 610.

UPON Al-hallows-day even, being now the tenth year of the king's reign, the king's second son Henry was created duke of York; and as well the duke, as divers others, noblemen, knights batchellours, and gentlemen of quality, were made knights of the bath, according to the ceremony. Upon the morrow after Twelfth-day, the king removed from Westminster (where he had kept his Christmas) to the Tower of London. This he did as soon as he had advertisement, that sir Robert Clifford (in whose bosom or budget most of Perkins secrets were layed up) was come into England. And the place of the Tower was chosen to that end, that if Clifford should accuse any of the great ones, they might without suspicion, or noise, or sending abroad of warrants, be presently attached; the court and prison being within the cincture of one wall. After a day or two, the king drew unto him a selected council, and admitted Clifford to his presence; who first fell down at his feet, and in all humble manner craved the king's pardon, which the king then granted, though he were indeed secretly assured of his life before. Then commanded to tell

his knowledge, he did amongst many others (of himself, not interrogated) appeach sir William Stanley, the lord chamberlain of the king's houshold.—The king seemed to be much amazed at the naming of this lord, as if he had heard the news of some strange and fearful prodigy. To hear a man, that had done him service of so high a nature, as to save his life, and set the crown upon his head; a man, that enjoyed by his favour and advancement so great a fortune, both in honour and riches; a man, that was tied unto him in so near a band of alliance, his brother having married the king's mother; and lastly, a man, to whom he had committed the trust of his person, in making him his chamberlain; that this man, no ways disgraced, no ways discontent, no ways put in fear, should be false unto him. Clifford was required to say over again, and again, the particulars of his accusation, being warned, that in a matter so unlikely, and that concerned so great a servant of the king's, he should not in any wise go too far. But the king finding that he did sadly and constantly (without hesitation or varying, and with those civil protestations that were fit) stand to that that he had said, offering to justifie it upon his soul and life; he caused him to be removed. And after he had not a little bemoaned himself unto his council there present, gave order that sir William Stanley should be restrained in his own chamber, where he lay before, in the Square Tower. And the next day he was examined by the lords. Upon his examination he denied little of that wherewith he was charged, nor endeavoured much to excuse or extenuate his fault. So that (not very wisely) thinking to make his offence less by confession, he made it enough for condemnation. It was conceived, that he trusted much to his former merits, and the interest that his brother had in the king. But those helps were over-weighed by divers things that made against him, and were predominant in the king's nature and mind. First, an over-merit; for convenient merit, unto which reward may easily reach, doth best with kings. Next the sense of his power; for the king thought, that he that could set him up, was the more dangerous to pull him down. Thirdly, the glimmering of a confiscation; for he was the richest subject for value in the kingdom; there being found in his castle of Holt forty thousand marks in ready money, and plate, besides jewels, household-stuff, stocks upon his grounds, and other personal estate, exceeding great. And for his revenue in land and fee, it was three thousand poends a year of old rent, a great matter in those times. Lastly, the nature of the time; for if the king had been out of fear of his own estate, it was not unlike he would have spared his life. But the cloud of so great a rebellion, hanging over his head, made him work sure. Wherefore after some six weeks distance of time, which the king did honourably interpose, both to give space to his brother's intercession, and to shew to the world, that he had a conflict with himself what he should do; he was arraigned of high-treason, and condemned, and presently after beheaded.—Yet is it to this day but in dark memory, both what the case of this noble person was, for which he suffered, and what likewise was the ground and cause of his defection, and the alienation of his heart from the king. His case was said to be this: that in discourse between sir Robert Clifford and him, he had said; that if he were sure, that that young man were king Edward's son, he would never bear arms against him. This case seems somewhat an hard case, both in respect of the conditional, and in respect of the other words. But for the conditional, it seems the judges of that time (who were learned men, and the three chief of them of the privy council) thought it was a dangerous thing to admit ifs and ands, to qualifie words of treason; whereby every man might express his malice, and blanch his danger. And it was like to the case (in the following times) of Elizabeth Barton, the Holy Maid of Kent; who had said, 'that if king Henry the Eighth did not take Katherine his wife again, he should be deprived of his crown, and die the death of a dog.' And infinite cases may be put of like nature. Which (it seemeth) the grave judges taking into consideration, would not admit of treasons upon condition. And as for the positive words, 'that he would not bear arms against king Edward's son;' though the words seem calm, yet it was a plain and direct overruling of the king's title, either by the line of Lancaster, or by act of parliament. Which (no doubt) pierced the king more, than if Stanley had charged his launce upon him in the field. For if Stanley would hold that opinion, that a son of king Edward had still the better right, he being so principal a person of authority, and favour about the king; it was to teach all England to say as much. And therefore (as those times were) that speech touched the quick. But some writers do put this out of doubt; for they say, that Stanley did expresly promise to aid Perkin, and sent him some help of treasure.—Now for the motive of his falling off from the king; it is true, that at Bosworth Field the king was beset, and in a manner inclosed round about by the troops of king Richard, and in manifest danger of his life; when this Stanley was sent by his brother with three thousand men to his rescue, which he performed so, that king Richard was slain upon the place. So as the condition of mortal men is not capable of a greater benefit, than the king received by the hands of Stanley; being like the benefit of Christ, at once to save and crown. For which service the king gave him great gifts, made him his councellour and chamberlain; and, somewhat contrary to his nature, had winked at the great spoils of Bosworth Field, which came almost wholly to this man's hands, to his infinite enriching. Yet nevertheless blown up with the conceit of his merit, he did not think he had received good measure from the king, at least not prest down and running over, as he expected. And his

ambition was so exorbitant, and unbounded, as he became suitor to the king for the earldom of Chester. Which ever being a kind of appendage to the principality of Wales, and using to go to the king's son; his suit did not only end in a denial, but in a distaste; the king perceiving thereby, that his desires were intemperate, and his cogitations vast, and irregular, and that his former benefits were but cheap, and lightly regarded by him. Wherefore the king began not to brook him well. And as a little leaven of new distaste doth commonly sour the whole lump of former merit, the king's wit began to suggest unto his passion that Stanley, at Bosworth Field, though he came time enough to save his life, yet he stayed long enough to endanger it. But yet having no matter against him, he continued him in his places until this his fall.—After him was made lord chamberlain, Giles lord Dowbeny, a man of great sufficiency and valour; the more, because he was gentle and moderate. —There was a common opinion, that sir Robert Clifford (who now was become the state informer) was from the beginning an emissary, and spie of the king's; and that he fled over into Flanders with his consent and privity. But this is not probable; both because he never recovered that degree of grace, which he had with the king before his going over; and chiefly, for that the discovery which he had made touching the lord chamberlain (which was his great service) grew not from any thing he learned abroad, for that he knew it well before he went.

26. The Trial of Sir THOMAS EMPSON, knt. and EDMUND DUDLEY, esq. for High Treason; at Guildhall, London: 1 Hen. VIII. A. D. 1509. [Lord Herbert's Hen. VIII. in 2 Kenn. Compl. Hist. p. 2.]

["The most exact account of the proceedings against these two remarkable persons being to be found in lord Herbert, we shall lay it before the reader; who, if he chooses to pursue the subject further, may consult Polydore Virgil, Hall, and Hollingshead. But it is proper to premise, what we conceive to be a great error, which is current in respect to Empson and Dudley. Our historians in general, not excepting lord Herbert and Mr. Hume, represent Empson and Dudley to have been doubly attainted, first by judgment on trial before a jury, and secondly by an act of parliament. But the statute, thus treated as an act of attainder, was in truth only an act to relieve certain persons, in trust for whom Empson and Dudley were seised of various estates; and to prevent their attainders from hurting innocent persons. Nor is there a word in the act, either to confirm the attainder or to attaint; as will appear by consulting the act itself, which is extant in Rastall's edition of the Statutes. Yet even the elaborate writers of the 'Parliamentary History,' to whom both lawyers and politicians are so much indebted for their useful and important labours, have adopted the error; though throughout that work, recourse is apparently had to the journals and records of parliament, which stamps it with great authority. How this happened, we cannot otherwise account for, than by conjecturing, that they were confirmed in the error of their predecessors, by the particular manner in which the Journals of the Lords take notice of the act, whilst it was in its progress through that house as a bill. On the first and second reading, which was the same day, it is stiled 'A Bill concerning Dudley and Empson, and their Attaint and Conviction in parliament.' These words certainly import a parliamentary attainder, and might well lead any person to give credit to the prior representation of its being so, without taking the trouble to examine the act, which is not in the later edition of the Statutes. But whether their thus describing the Bill was an inaccuracy in the penner of the Journal, or the Bill was at first to attaint, it certainly did not pass in that form. Indeed the subsequent part of the Journal takes notice, that the bill was newly formed, before it was sent to the Commons." Hargrave.]

WHILE the obsequies and rites [of Hen. 7.] were preparing, (April 23, the particulars whereof Hall after his manner relates) king Henry retired privately from Richmond (where his father died) to the Tower of London, both that he might with more leisure advise with his council concerning the present affairs of his kingdom, as also the better to avoid those salutes and acclamations of the people, which could not but be unseasonable, till the lamentations and solemnity of his father's funeral were past. He thought not fit to mingle the noises. Here then it was in the first place resolved to make good his authority, as having more undoubted right to the crown by the Union of the White-Rose and the Red in his person, than any king ever delivered to us by warrantable history. For this end he found or took occasions. In one kind Henry Stafford, brother to the duke of Buckingham, served for example, who (upon I know not what suspicion) was apprehended presently, and committed to the Tower; which yet seemed afterwards so frivolous, that, to repair this disgrace, he was the same year made earl of Wiltshire.

In the other kind, doctor Ruthall became the object, being (together with one of his council) made the same day bishop of Duresme. Thus, though it seems he hasted to take upon him the real marks of soveraignty, yet he so tempered them, as to leave his subjects in hope of an even hand. Besides, that he might shew himself gracious to his subjects, he not only confirmed the pardon his father gave a little before his death for all offences, except murder, felony, and treason, (to which general abolitions do not properly reach) but for farther performance of his father's last will caused a proclamation to be made; that if any man could prove himself to be then wrongfully deprived of his goods, by occasion of a certain commission for forfeitures, he should (upon due complaint) have satisfaction; whereupon so many Petitions were presently exhibited against sir Richard Empson and Edmund Dudley, esq. (employed lately for taking the benefit of penal statutes) that it was thought fit to call them before the council, where Empson spake to this effect:

"Right Honourable and others here present: I have remarked two causes in general, that move attention. One is the greatness, the other is the strangeness and novelty of argument. Both these concur so manifestly in the affairs now questioned, that I will not much implore your patience. Though on the other side, considering my violent persecution, I cannot but think it a favour, that I may speak for myself; but, alas, to whom? The king, my master, to whom I should appeal, as to my supreme judge and protector, abandons me to my enemies, without other cause, than that I obeyed his father's commands, and upheld the regal authority. The people, on whose equal trial I should put my life, seek my destruction, only because I endeavour to execute those laws whereof themselves were authors. What would have happened to me, if I had disobeyed my king, or broke my country's laws? Surely, if I have any ways transgressed, it is in procuring, that these penal statutes might be observed, which yourselves in open parliament decreed, and to which you then submitted, both your persons, estates, and posterity; and if this be a crime, why do you not first repeal your proper acts? Or if, (which is truth) they stand still in full force and vertue, why do you not vindicate from all imputation both yourselves and me? For who ever yet saw any man condemned for doing justice? Especially when by the chief dispencer thereof (which is the king) the whole frame of the proceeding hath been confirmed and warranted? Nay, whoever saw man on these terms not rewarded? And must that, which is the life and strength of all other actions, be the subversion and overthrow of mine? Have you read or heard in any well-governed country, that the infractors of laws made by publick vote, and consent, escaped without punishment, and they only punished who laboured to sustain them? Or when you had not read or heard any such thing, could you imagine a more certain sign of ruine in that common-wealth. And will you alone hope to decline this heavy judgment? When, contrary to all equity and example, you not only make precedents for injustice and impunity, but together with defaming would inflict a cruel death on those who would maintain them; as if this might be a fit guerdon for those who (I must tell you) every where else would have been thought the best patriots; what can we expect then, but a fatal period to us all? But let God turn this away, though I be the sacrifice. Only, if I must die, let me desire that my inditement may be entered on no record, nor divulged to foreign nations, lest, if they hear, in my condemnation, all that may argue a final dissolution in government, they invade and overcome you."

To this was answered briefly, "That he received a great deal of liberty to speak ill, as well as to do: that he should find at last, he was punished for passing the bounds of his commission from the late king, and for stretching a law which in it's self was severe enough to the common and poorer sort of people, from whom he exacted most unjustly."

The chief parts of his Accusation (that I can find) were: "1. That he had committed divers persons to prison, without suffering them to answer till they had compounded for their fines. 2. For searching unduly mens estates, and bringing them wrongfully to hold under that tenure they call *in capite*; without that the parties could be permitted to a traverse, till they had payed great fines and ransoms. 3. That wards, being come to full years, were not allowed to sue out their livery, till they had paid an excessive composition. 4. That out-lawed persons could not be allowed to sue out their charter of pardon, till they had paid half the profit of their lands for two years, upon pretence that it was according to law. 5. That he usurped upon the jurisdiction of other courts, in hearing, and determining divers matters properly belonging to them. 6. That whereas a prisoner being indicted for theft, in the city of Coventry, to the value of one pound, was by the jury acquitted; the said Empson conceiving the evidence to be sufficient, committed the jury to prison, till they entered into bond to appear before the king's council, where the matter being again considered, it was ordered, they should pay eight pounds for a fine (which was thought so heinous, as, at a sessions being held afterwards at Coventry, a particular indictment was framed against him, and he was found guilty)." How many of these Allegations were verified, or how far they might be warranted by the last king's commission, appears not to me. Howsoever, for the present, they were (April 23) committed to the Tower.

This Empson, reported to be a sieve-maker's son in Torcester, from this mean beginning, by his wit and industry, came to be of council to king Henry 7, and master or surveyor of his forfeits in divers kinds, in which place he served

as an instrument for raising great sums to the king; Dudley (a gentleman of birth and such parts as he was chosen Speaker of the parliament-house, 19 Henry 7), assisting him. These men (called by Polydore Virgil *Judices Fiscales*) having it seems exceeded their bounds, were detested of all, but especially the poorer sort, who found it easier to hate than to pay. To satisfy their complaints therefore, it was thought fit to permit them to the ordinary ways of justice: the promoters they used being so severely punished in the mean time, betwixt the pillory and shame, that they died all (a few days after) in prison, save one Giovanni Baptista Grimaldi, who, foreseeing the storm, took sanctuary in Westminster.

Empson and Dudley being (as is abovesaid) committed to the Tower, new and strange crimes were found and objected against them, as appears in their Indictments upon record, wherein they are accused of conspiracy against the king and state; and first, that during the sickness of the late king in March last, they summoned certain of their friends to be in arms at an hour's warning; and upon the death of the said king, to hasten to London. Out of which, and other circumstances, it was collected by the jury, that their intent was to seize on the person of the new king, and so to assume the sole government: or when they could not attain this, to destroy him.—Of which crimes, how improbable soever, Dudley in his Tryal at Guildhall in London, July 16, 1509, and Empson at Northampton, October 1, were found guilty by their Juries, and both condemned of Treason, and so remanded to the Tower.

Empson and Dudley lying now in prison, condemned and attainted by parliament, the importunate clamours of the people prevailing with the king in this year's progress, he not only restored divers mulcts, but for further satisfaction to the commonalty (by a special writ) commanded to have their heads struck off, August 18, doing therein (as thought by many) more like a good king, than a good master.—The attaint against Dudley was reversed in parliament, 5th Hen. 8. 1533.

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27. Trial of EDWARD duke of BUCKINGHAM, for High Treason; in the Court of the Lord High Steward of England: 13th May, 13 Hen. VIII. A. D. 1522. [Lord Herbert's Hen. VIII. in 2 Kenn. Compl. Hist. p. 40. Stowe's Chronicle, 510.]

[" Some account of this Trial is to be met with in various writers, exclusive of the notice taken of it by our more modern historians. It is slightly mentioned by Polydore Virgil, whose history first came out within eleven or twelve years after the event; and from him it appears, that the prosecution originated from the malice of one Charles Knevet, who, having been removed from the stewardship of some of the duke's estates, for oppressing the tenants, in revenge turned informer against his former master, and betrayed him to his great and powerful enemy cardinal Wolsey. Polyd. Virg. ed. Basil, 660, 665. Hall, who was also a cotemporary historian, gives many particulars, relative as well to the manner of arresting the duke and his execution, as to the Trial itself. Hall's Hen. 8. fol. 85. Grafton merely copies from Hall: but Hollingshead and Stow state in addition the several facts charged as Treason in the indictment of the duke from the record of it. Grafton 1014. 3. Hollingsh. 2d. edit. 863. Stow's Chron. Howes's edit. 512. Lord Herbert, in his History of Henry the 8th, assisted by materials from the preceding authors, writes the narration of the duke's Trial, which we now offer to the reader. There is an account of this Trial amongst the Harleian Manuscripts; but it is merely a compilement from Hall and Stow." Hargrave.]

ABOUT this time Edward Stafford duke of Buckingham, eminent for his high blood, and large revenue, drew on himself a dangerous suspicion; which though it was again fomented by the cardinal, who disaffected him for some speeches he had cast forth, yet could not have overthrown him, but that some indiscretion of his own concurred. Besides, he suffered much through the ill offices of Charles Knevet, formerly mentioned; who yet durst not appear, till he saw the duke not only discountenanced, but weakened in his friends and allies. And of these I find two principally; one, Henry Percy earl of Northumberland, whose daughter the duke had married; the other, Thomas earl of Surrey, who had married the duke's daughter. Against Northumberland, cause was taken for claiming certain wards; which, after close commitment, yet, he was forced to relinquish. Against Surrey the cardinal proceeded otherwise: for, though he hated him for drawing his dagger at him on some occasion; yet as the earl was more wary than to give new offence, he thought fit to send him away upon some honourable employment, for which he found this overture.

Gerald Fitz-Gerald, earl of Kildare, made deputy in Ireland to Henry duke of York, (now king, who at four years old was by his father made lieutenant of that country) having done divers good services against the rebels, was made knight of the garter, and enjoyed that place till his death in 1513; when his son Gerald being substitute therein, so behaved himself, as he likewise got much credit: though, as he had the house of Ormond his enemy, and par-

ticularly sir Pierce Butler earl of Ossory, secret ill offices were done him. Nor did it avail, that he had given his sister in marriage to the said Butler, and helped him to recover the earldom of Ormond, detained wrongfully, since the death of James, by a bastard of that family: for it was impossible to oblige him; especially, where he found so advantageous an occasion to dissent. For as he watched over the earl of Desmond, his perpetual adversary, since the division of Lancaster and York, (in which his ancestors were on the side of Lancaster, and the Kildares and Desmonds on that of York), he discovered more favours done the present earl of Desmond, (whom he called a traytor) than he thought due to him; insomuch that he complained to the cardinal, who thereupon sent for Kildare. Though Polydore saith, he come voluntarily, into England to match with some English lady, and there behaved himself so unrespectfully to the cardinal, that he was cast into prison. But whatsoever the cause was, his charge was bestowed on the earl of Surrey, who going to Ireland in April 1520, reduced the earl of Desmond and others to obedience.

The duke of Buckingham being thus exposed and unfriended, the cardinal treats secretly with Knevet, concerning him; who thereupon discovers his late master's life; confessing, that the duke, by way of discourse, was accustomed to say, how he meant so to use the matter, that, if king Henry died without issue, he would attain the crown, and that he would punish the cardinal. Besides, that he had spoken hereof unto George Nevill lord Abergavenny, who married the said duke's daughter. By what means yet the duke intended particularly to effect these designs, I do not find exactly set down by Charles Knevet. Neither do the authors, who write hereof, relate his pedigree; only our heralds say, he was descended from Anne Plantagenet, daughter of Thomas of Woodstock, son to king Edward 3. How far this yet might entitle him to the crown, in case king Henry should have no issue, I have neither leisure nor disposition to examine. I shall only therefore, for satisfaction of the reader, select some principal points out of his Indictment; leaving the reader, for the rest, unto the search of the record: In which, the points that in my opinion made most against the duke, were;

1. "That at several times (1512, April 24, and July 22; and 1513, April 26; and 1517, July 20,) he had sent to one Hopkins, a monk in the priory of Henton, to be informed by him, concerning the matters he imagined; and that the monk should return answer, the duke should have all; and therefore should labour to procure the love of the people. 2. That the duke afterwards should go in person to the said Hopkins, who confirmed the said prediction, adding, that he knew it by revelation. Whereupon the said duke should give him several rewards. 3. That he should speak to Ralph Nevill earl of Westmorland (his son-in-law), that, if aught but good come to the king, the duke of Buckingham should be next in blood to the crown, the king having as yet no issue. That, to comply herewith, he did many things which argued ambition, and desire to make himself popular. That he said to one Gilbert, his chancellor, that whatsoever was done by the king's father, was done by wrong; murmuring withal against the present government. 4. And to the said Charles Knevet, that if he had been committed to the Tower, (whereof he was in danger, upon occasion of one sir W. Bulmer) he would have so wrought, that the principal doers thereof should not have cause of great rejoycing; for he would have plaid the part which his father intended to have put in practice against king Rd. 3 at Salisbury, who made earnest suit to come into the presence of the said king, which suit, if he might have obtained, he having a knife secretly about him, would have thrust it into the body of king Richard, as he had made semblance to kneel down before him. And that, in speaking these words, he maliciously laid hands on his dagger, swearing, that, if he were so evil used, he would do his best to accomplish his intended purpose. 5. That being in speech with sir George Nevill, knight, lord Abergavenny, he said, that if the king died, he would have the rule of the realm, in spight of whosoever said the contrary; swearing, that if the lord Abergavenny revealed this, he would fight with him."

This I conceive to be the substance of the most special Articles in the evidence: which the courteous reader yet may do well to consider more at large, as they are extant on Record. How far yet these particulars were proved, and in what sort, my authors deliver not. Only I find (out of our Records) that the duke of Buckingham being committed to the Tower, April 16th, did, under his own hand, declare to sir Thomas Lovell, constable of the Tower, the passages betwixt him and Hopkins, in this manner; that is to say, 'That the summer before our king made war in France (1512), Hopkins sent for him; but, not being able to go, he commanded one Delacour, his chaplain, to repair thither; howbeit, that Hopkins said nought to him; yet that himself came the next Lent; where, in shrift, the said monk told him, that our king should win great honour in his journey to France; and that if the king of Scots came to England then, he should never go home again. And that, when he asked Hopkins how he knew this, he said, *ex Deo habeo*; It is revealed to me of God. And that Hopkins demanding afterward what children the king had had, he told the number; and that Hopkins should say thereupon, I pray God his issue continue; for that he feared God was not contented, because he made no restitution according to his father's will, charging the duke further to advise the king's council to make restitution. Further, That he told his chancellor those words, and at his return out of France, came to Hopkins again, and said, he had told him true: also, that (another time) he

came to Hopkins, together with his son Stafford, and the earl of Westmorland; and that Hopkins asked who he was? and thereupon should say, that some of his blood or name should prove great men. And that, after this, Hopkins should send to the duke, to pray him, according to his promise, to help their house (being at Henton in Somersetshire) to make their conduit; the ten pounds, formerly given by him, being spent.' And more than this he confessed not. Notwithstanding which, when the Indictment was openly read, the duke said, it was 'false, untrue, conspired, and forged', to bring him to his death; alledging (as he was an eloquent person) many reasons to falsify the indictment. The king's attorney, on the other side, producing the examinations, confessions, and proofs of witnesses; the duke hereupon desired the witnesses, which were Knevet, Gilbert, Delacour, and Hopkins, to be brought forth. These confirming their depositions, the duke was tried by his peers, (being a duke, a marquis, seven earls, and twelve barons) before the duke of Norfolk, who was for the time made lord high steward of England. They condemning him, the duke of Norfolk delivered his sentence, not without tears. To which he replyed; 'My lord of Norfolk, you have said as a traytor should be said unto, but I was never one. But, my lords, I nothing malign for what you have done to me; but the eternal God forgive you my death, and I do. I shall never sue to the king for life: howbeit, he is a gracious prince, and more grace may come from him, than I desire. And so I desire you, my lords, and all my fellows, to pray for me.' Whereupon he was brought back to the Tower; where all the favour he received was a message from the king, declaring his Sentence was mitigated so far, that, instead of receiving the death of a Traytor, he should have only his head cut off. Thus ended the duke of Buckingham (May 17), much lamented by the people, (who libelled the cardinal for it, calling him *Carnificis filium*, Son of a Butcher,) as being thought rather criminal through folly and rash words, than any intention declared by overt-act against the king's person; and therefore not uncapable of his mercy; which also it was thought would not have been denyed, had he sued for it in fitting terms. But since at his arraignment, he did, as it were, disclaim his life, he would not obtrude it; and therefore only caused a letter of comfort to be written to the dutchess, and lord Stafford. Yet the tragedy ended not so; for though George lord Abergavenny, after a few months imprisonment, was, through the king's favour, delivered; yet Hopkins, after a serious repentance that he had been an author of so much mischief, dyed of grief. And here I must observe, that together with this duke, that great place of high-constable of England remains extinguished, unless some extraordinary occasion revive it.

[Lord Herbert's statement of the effect of the Indictment, not being nearly so full as Stowe's, and there being also some further particulars in the latter, perhaps his account of the Trial may be acceptable to some readers. The following extract from Stowe's Chronicle is therefore added.]

Extract from Stowe's Chronicle, Howes's edition, p. 510. to 513.

In this meane time Edward duke of Buckingham was accused of High Treason, wherefore the king directed his letters to the said duke, being at his mannor of Thornebury in Glocestershire, that incontinently he should come to his presence, which commandement the duke obeyed, and came to London, where hee was straight wayes arrested by sir Henry Marney captaine of the gard, and conveyed to the Tower of London on the 16th of Aprill: before which time sir Gilbert Parke the dukes chancellor was taken, which had confessed matter of high treason, concerning the kings person. There was also attached one Nicholas Hopkins a monk of the order of Carthusians, being of Henton priory in Somersetshire, and John de la Court the dukes confessor, and others. These were prisoners in the Tower.

After the apprehension of the duke, inquisitions were taken in divers shires of him, so that by the knights and gentlemen he was indicted of High Treason for certaine words spoken by the said duke at Blechingly in Surrey, to George Nevill lord Burgaveny, and therewith was the same lord attached for concealement, and so likewise was the lord Montague, and both conveied to the Tower: and sir Edward Nevill brother to the said lord of Burgaveny was forbidden the kings presence.

Moreover, in the Guildhall of London, before sir John Bruge knight, then maior of the same city, by an inquest, the said duke was indicted of divers points of high treason, as by the same inditement (which I have seene and read) it appeareth, inferring, that the said duke intending to exalt himselfe, and to usurpe the crowne, the royall power, and dignity of the realme of England, and to deprive the king thereof, that hee the sayde duke might take upon him the same against his allegeance, had the tenth day of March, in the second yeere of the kings raigne and at divers times before, and after, imagined and compassed the kings death and destruction at London, and at Thornebury in the county of Glocester: and for the accomplishment of the wicked intent and purpose, the 24th of Aprill, in the fourth yeere of the kings raygne, he sent one of his chaplaines called John de la Court, unto the priory of Henton in Somersetshire, which was an house of Carthusian monkes, there to understand of one Nicholas Hopkins, a monke of the same house (who was vainely reputed by way of revelation to have foreknowledge of things to come) what should happen concerning this matter, which he had imagined: which monke, causing the said de la Court first to sweare unto him, not to disclose his words to any manner of person, but onely to the duke his master, therewith declared that his master the said duke should have all, willing

him for the accomplishment of his purpose to seeke to winne the favour of the people. De la Court came backe with this answere, and told it to the duke at Thornebury the morrow after, being the 25th of Aprill. And on the 22 of July the same fourth yeere, the duke sent the same de la Court with letters unto the saide monke, to understand of him further of such matters, and the monke told to him againe for answere, that the duke should have all: and being asked as well now as before at the first time, how he knew this to bee true, he saide by the grace of God, and with this answere de la Court now also returning, declared the same unto the duke, on the 24. of July at Thornebury aforesaid. Moreover, the saide duke sent the same de la Court againe unto the said monke with his letters the 26. of Aprill, in the 5. yeere of the kings raigne, when the king was to take his journey into France, requiring to understand what should become of these warres, and whether the Scottish king should in the kings absence invade this realme or not. The monke among other things, for answere of these letters, sent the duke word that the king should have no issue male. Againe, the said duke the 20 day of Feb. in the 6. yeere of the kings raigne, being at Thornebury, spake these words unto Ralph earle of Westmerland: Well, there are two dukes created in England, but if ought but good come to the king, the duke of Buckingham should be next in blood to succeede to the crowne. After this the said duke on the 16. day of Aprill, in the said sixt yeere of the kings raigne, went in person unto the priory of Henton, and there had conference with the foresaid monke Nicholas Hopkins, who told him, that hee should bee king; whereunto the duke said, that if it chanced, hee would shew himselfe a just and right wise prince. The monke also told the duke that he knew this by revelation, and willed him in any wise to procure the love of the commons, the better to attayne his purposed intention. The duke the same time gave, and promised to give yeerely unto the saide priory 6. pound, therewith to buy a tunne of wine: and further promised to give unto the said priory in ready money twenty pounds, whereof ten pounds he gave in hand, towards the conveying the water unto the house by conduit. And to the saide monke Nicholas Hopkins, he gave at that present in reward three pound, and at one other time forty shillings, and at another time a marke, and at another time sixe shillings and eight-pence. After this, on the 20 day of March, in the tenth yeere of the kings raigne, he came to the same priory, and eftsoones had conference with the saide monke, to bee more fully informed by him in the matters above specified, at what time the monke also told him that he should be king, and the duke in talke tolde the monke, that he had done very well to binde his chaplaine John de la Court, under the seale of confession, to keepe secret such matters, for if the king should come to knowledge thereof, it would be his destruction. Likewise the twentieth day of October, in the seventh yeere of the kings raigne, and at divers other times, as well before as after, the said duke had sent his chancellor Robert Gilbert, chaplaine, unto London, there to buy certaine clothes of golde, silver, and velvets, every time so much as amounted to the value of three hundred pound, to the intent, that the saide duke might bestow the same, as well upon knights, esquires, and gentlemen of the king's house, and yeomen of his gard, as upon other the king's subiects, to winne their favours and friendships to assist him in his evill purpose: which clothes the saide Gilbert did buy, and brought the same to the said duke, who on the 20th day of January in the saide seventh yeere, and divers other dayes and yeeres before and after, did distribute, and give the same to certaine of the kings subjects, for the purpose before recited. Furthermore, the saide duke the tenth of July, in the tenth yeere of the king's raigne, and divers other dayes and times, as well before as after, did constitute more severall and particular offices in his castles, honors, lordships, and lands, than hee was accustomed to have, to the end they might bee assistant to him under colour of offices, to bring his evill purpose to passe. Moreover, the same duke sent to the king the tenth daye of May, in the ninth yeere of his raigne, for licence to retaine any of the kings subjects, whom it should please him, dwelling within the shires of Hereford, Gloucester, and Somersetshire: and also, that he might at his pleasure convey divers armours, and habilements for warre into Wales, to the intent to use the same against the king, for the accomplishment of his naughty purpose, which was to destroy the king, and to usurpe the roial government and power to himselfe: which suite for licence to have retayners, and to convey such armours and habilements of war, the said Gilbert the 20th of May, in the sayde ninth yeere, and divers other dayes before and after at London, and East Greenewich did follow, labouring earnestly, both to the king and counsell, for obtaining of the same. And the 20th of July, in the said ninth yeere, the saide duke sent the said Gilbert unto Henton aforesaide, to understand of the aforesaid monke Nicholas Hopkins what hee heard of him: and the monke sent him word, that before Christmas next there should be a change, and that the duke should have the rule and government of all England. And moreover, the 20th of Februarry, in the 11th yeere of the kings raigne, at Blechingly in Surrey, the sayde duke sayde unto the saide Robert Gilbert his chancellor, that he did expect and tarry for a time more convenient to atchieve his purpose, and that it might easily bee done, if the nobles of the realme would declare their mindes together; but some of them mistrusted and feared to shew their mindes. Hee sayde further the same time unto the saide Robert Gilbert, that whatsoever was done by the kings father, was done by wrong; and still the duke murmured against all that the king then presently raigning did. And further he said, that he knew him-

selfe to be so wicked a sinner, that hee wanted Gods favour, and therefore he knew, that whatsoever he tooke in hand against the king had the worse successe. And furthermore, the saide duke (to alienate the king's subjects mindes from dutifull obedience, towards him and his heires, the 20th of September, in the 1st yeere of his raigne) beeing then at London, reported to Robert Gilbert, that he had a certaine writing, sealed with the kings great seale, comprehending a certaine act of parliament, in the which it was enacted, that the duke of Somerset, one of the kings progenitors, was made legitimate. And further, that the said duke meant to have delivered the same writing unto king Henry the 7th, but (said he) I would not that I had so done for ten thousand pounds. And furthermore the same duke the 4th of November, in the 11th yeere of the kings raygne, at East Greenewich in the county of Kent, said unto one Charles Knevet, esquire, after the king had reproved the duke for retayning William Bulmer knight unto his service, that if he had perceived that he should have bin committed to the Tower, as he doubted he should have beene, he would have so wrought, that the principall doers therein should not have had cause of great rejoycing, for he would have played the part, which his father intended to have put in practise against king Richard the 3rd at Salisbury, who made earnest suit to have come to the presence of the same king Richard, which suite if hee might have obtained, he having a knife secretly about him, would have thrust it into the body of king Richard, as he had semblance to kneele downe before him: and in speaking these words, he maliciously laid his hand upon his dagger, and said, that if he were so evill used, he would doe his best to accomplish his pretended purpose, swearing to confirme his word, by the blood of our Lord. And beside all this, the same duke the 10th of May, in the 12th yeere of the kings raigne at London, in a place called the Rose, within the parish of St. Laurence Poultney, in Canwike-street ward, demanded of the said Charles Knevet, esq. what was the talke amongst the Londoners, concerning the kings journey beyond the seas: and the said Charles told him, that many stoode in doubt of the journey, lest the Frenchmen meant some deceit towards the king: whereunto the duke answered, it was to be feared lest it would come to passe, according to the words of an holy monke: for there is (saith he) a certaine charter-house monke, that divers times hath sent to mee, willing mee to send unto him my chancellor, and I did send unto him J. de la Court my chaplain, unto whom hee would not declare any thing, till de la Court had sworne unto him to keepe all things secret, and to tel to no creature living what he should heare of him, except it were to me; and the said monke told de la Court, that neither the king nor his heires should prosper, and that I should endeavour myselfe to purchase the good wils of the communality of England, for I (the same duke) and my blood should prosper and have the rule of the realme of England. Then said Charles Knevet, the monke may be deceived through illusion of the devil, and that it was evill to meddle with such matters. Well, said the duke, it cannot hurt me, and so the duke seemed to rejoyce in the monkes words. And further, the same time the duke told the said Charles, that if the king had miscarryed now in his last sickne, hee would have chopped off the heads of the cardinall, of sir Thomas Lovell knight, and of others; and also said, that he had rather die for it, than to bee so used as he had beene. Moreover, the 10th of September in the said 11th yeere of this kings raigne, at Blechingly in the county of Surrey, walking in the gallery there with George Nevill knight, lord of Burgaveny, the duke murmuring against the kings counsellors, and their government, said unto the said George that if the king died, he would have the rule of the realme in spite of whosoever said the contrary, and withall said, that if the said lord of Burgavenny would say, that the duke had spoken such words, hee would fight with him, and lay his sword upon his pate, and this he bound with many great oaths.—These were the points and articles comprised in the indictment, and laid to his charge, whereof he was by the inquest found guilty.

On the 13th of May, the said duke was brought from the Tower by water unto Westminster-hall, before the duke of Norffolke high steward of England, to accomplish the high appeale of the peere or peeres of the realme, and to discerne and judge the cause of the peeres. There were also appointed to sit as peeres and judges upon the duke of Buckingham, the duke of Suffolke, the marques Dorset, the earles of Worcester, Devonshire, Essex, Shrewsbury, Kent, Oxford, and Darby, the lords of S. Johns, de la Ware, Fitz Waren, Willoughby, Brooke, Cobham, Herbert, and Morley. There was made within the hall at Westminster a scaffold for these lords, and a presence for the judge railed, and counter-railed about, and barred with degrees. When the lords had taken their place, the duke was brought to the barre, and upon his arraignement pleaded not guilty, and put himselfe upon his peeres. Then was the indictement read, which the duke denyed to bee true, and (as he was an eloquent man) alleaged reasons to falsifie the indictement, very pithily. The kings attorney against the dukes reasons, alleaged the examinations, confessions and proofes of witnesses. The duke desired the witnesses might be brought forth: and then came before him Charles Knevet, sir Gilbert Perke his chancellor, John de la Court his confessor, and Nicholas Hopkins the monke of Henton, that had fed his humour with vaine speeches: divers presumptions and accusations were laid to him by Charles Knevet, which hee would have covered. But the depositions being read, and the deponents delivered prisoners to the officers of the Tower, finally he was found guilty by his peeres, and having

judgement to suffer as in case of treason is used, was led againe to his barge, and so conveyed by water, to the Temple staires, where he was set a land, and from thence by land through London to the Tower with the axe afore him, sir William Sands having him by the right arme, and sir Nicholas Vaux by the left arme. And on the 17th of May, being the Fryday before Whitsunday, he was delivered to the sheriffes of London, who led him to the scaffold on the Tower-hill, about 11 of the clocke, and there he was beheaded, in the presence of sir Thomas Lovel and all the people: his body with the head was borne by the fryers Augustines to their church, and there buried in the chappell church for the close. And now followeth the publication at the disgrading of the saide Edward late duke of Buckingham, knight and companion of the most noble order of St. George, named the Gartar, which was read and published by Gartar king at armes, at the feast of Saint George, in the quire of Windsore-Colledge, standing on the high pase at the dexe, all the other officers of armes about him, there being also present the lord marques Dorset knight of the same order, then being the kings deputy for the feast, the earle of Essex, the earle of Wilshire, the earle of Kent, sir Thomas Lovel, and the lord la Ware, knights of the said order, with great audience assembled there on the eight of June, the thirteene yeere of Henry the eight, the yeere of Christ, 1521.

"Bee it knowne unto all men, that whereas Edward late duke of Buckingham, knight and companion of the noble order of Saint George, named the Gartar, hath lately done and committed high treason against the king our soveraigne lord, and soveraigne of the saide order of the Gartar, in compassing and imagining the destruction of the most noble person of our said soveraigne lord the king contrary to his oath and due allegeance, and for the which high treason the said Edward hath bin indicted, arraigned, convicted, and attainted, for the which detestable offence and high treason, the saide Edward hath deserved to bee disgraded of the said noble order, and expelled out of the saide company, and not worthy that his armes, ensignes, and hachments should remaine among other noble ensignes of the other noble, vertuous, and approoved knights of the said noble order, nor have the benefit of the said noble order: wherefore our said soveraigne lord the king, soveraigne of the said noble order of Saint George, named the Gartar, by the advice of the other knights of the said noble order, for his saide offences, and committing of the said high treason, willeth and commandeth that the said Edward duke of Buckingham be disgraded of the said noble order, and his armes, ensignes, and hachments cleerely expelled, and put from among the armes, ensignes, and hachments of the other noble knights of the saide order, to the intent, that all other noble men thereby may take ensample hereafter, not to committe any such haynous and detestable treason and offences, as God forbid they should. God save the King."

It is to be remembred, that Somerset Herault was in the roode loft behind the hachments of the saide duke Edward: and when Gartar spake these words, 'expelled and put from the armes,' then the saide Somerset violently cast downe into the quire, his creast, his banner, and sword. And when the publication was all done, the officers of armes spurned the saide hachment with their feete out of the quire into the body of the church, first the sword, and then the banner, and then was the creast spurned out of the said quire through the church out at the west doore, and so to the bridge, where it was spurned over into the ditch. And thus was the said Edward late duke of Buckingham fully disgraded of the order of Saint George, named the Gartar.

["It is well known that, by the Attainder of the duke of Buckingham, the subject of the preceding Trial, the great office of high constable, which was hereditary in his family, reverted to the crown, and has ever since rested dormant, except when granted for particular occasions, such as a coronation, and the holding of a court of the high constable. See 3 Hollingsh. 365. Co. Lit. 165, *a*. Keilw. 170. *b*. Dy. 285. 6. *b*. and the 2nd volume of Hearne's Antiquarian discourses. The execution of the duke of Buckingham was soon after followed with a parliamentary attainder of him; the reason of which is not very obvious; unless indeed this sanction was added, that the two houses might have their share of the odium of his death with the king, his then minister cardinal Wolsey, and the particular peers, by whom the duke was condemned. Ro. Parl. in 1 Journ. Dom. Proc. cv. and the private acts of 14 H. VIII. 3 Parl. Hist. 37. 1 Dugdale's Baron. 170. However, some mercy was shewn to the duke's family. The same parliament made a provision for his duchess for her life; and also confirmed a grant from the king to Henry, the duke's eldest son, and his issue by his wife Ursula, of some of the forfeited estates. Ro. Parl. 1 Journ. Dom. Proc. cxxxii, cxxxiv. Sir William Dugdale calls the last act a restitution of blood, except to honours and lands; but improperly, the record shewing, that it was simply an act to confirm a grant from the crown, of part of the duke's real property. 1 Dugd. Baron. 171. The king also a few years afterwards extended his bounty to the same Henry, granting to him some more of the late duke's possessions, particularly the castle and manor of Stafford. Ibid. Further, in the first parliament of Edward 6, the same Henry Stafford was restored in blood, so far as to take the barony of Stafford, one of the family honours." 1 Journ. Dom. Proc. 305, 522. Hargrave.

28. Proceedings relating to the Dissolution of the Marriage between King HENRY VIII. and CATHARINE of Arragon: 19 Hen. VIII. A. D. 1528. [Lord Herbert's Life and Reign of Hen. VIII. in 2 Kennett's Compl. Hist. 98. 1 Cobb. Parl. Hist. 507.]

OUR king had now for many years enjoyed the vertuous queen Katherine, without that either scruple of the validity of their Match, or outward note of unkindness had past betwixt them. Nevertheless, as, presently after the birth of the princess in 1515-16, (who alone of all their children survived), Luther and others controverted the authority and extent of the Papal jurisdiction, so in this kingdom, the dispensation of Julius 2. for the aforesaid Marriage being privately questioned, many of our learned men concluded it void, as being granted in a case prohibited *Jure Divino*, and therefore indispensable. This again, whispered in the ears of many, begot such a muttering, as being brought to the king, made him think what he was to do. For though he knew that a keeping of the succession doubtful was one of the ill arts by which princes conserve themselves, yet, as a desire to have posterity, which might succeed him in the crown, prevailed over all other considerations, he resolved to clear this point by all fitting degrees; and the rather, in that he knew the same objections had been made (though wrongfully) to Edward 4, and his children. And certainly (as it appears to me by many circumstances,) it was in the beginning, as much as he could, in favour of the princess his daughter. So that, although the bishop of Tarbe (being sent by Francis 1527, to conclude the alternative formerly set down,) did object openly against her legitimation, as being got by the king upon his brother's wife, it did not much move him. But, seeing it now grown a publick doubt, he thought it more notorious than could be supprest. Neither did he believe that Charles would be greatly scandalized at it; since, to avoid the Treaty of Windsor, himself had alledged some things to this purpose. All which again (as Polydore relates) was secretly fomented by Longland bishop of Lincoln (his majesties Confessor,) at the instigation of the cardinal; who both hated the emperor, and was averse from the queen, by reason of her reproving his loose, and inordinate life. Though (whatever Polydore saith,) it will appear hereafter, that Woolsey indeavoured not, finally, the Divorce. Howsoever, on some or all of these causes, the king was much perplext, as knowing how deeply this affair concerned himself, his posterity, and kingdom. And because it was easie to collect of what consequence any rumor of this kind might be, he not only sent to our ambassadors in Spain, as is said before, to silence the noise thereof, but used all means possible both to appease those violent jealousies the queen had conceiv'd, and to satisfie his people, at least until himself had look'd further into the business. In which certainly his intentions privately were to proceed; for besides his dispatching his secretary William Knight, doctor of law, to Rome, (whom yet he commanded to advise with our cardinal by the way, being then in France,) he took information sometimes about his present condition, and sometimes (it is probable also) about such ladies as might furnish him a choice for a genial, and second bed. In which number the dutchess of Alanzon, sister to Francis, is the first I find mention'd, whose picture (as Hall saith) was sent over, about this time. Neither did the cardinal, being certified of these passages, omit to comply at least in appearance with him, and therefore writ to the king, that the best way to obtain his desire, was, to tell the emperor plainly, that, 'Unless he set the pope free,' (at this time in prison) 'he would proceed in the Divorce upon his own, and his Clergies authority.' After which, he sent for John Clark, bishop of Bath, (then resident ambassador in France) and commended him to the king, as a person to whom he might discover himself; and, together, delivered his opinion: 1. That because the party would appeal, the business could not be determin'd in England, unless the Pope would give him absolute authority, *in omnibus casibus* (a Minute whereof to be sent to Rome, I have seen.) 2. That she should be persuaded, *ad ingressum religionis*. And, lastly, if neither of those could be effected, it should be thought of, *Quid posset clam fieri quoad forum conscientiæ?* Concerning which points, the bishop of Bath at his return speaking (as I find in an Original from the said bishop to Woolsey), the king reply'd, 'My lord of Bath, the Bull is good, or it is naught; if it be naught, let it be so declar'd, and if it be good, it shall never be broken by no by-ways for me.' Whereupon, the Bishop represented, That the Pope's captivity hindered all suits in that court, and, howsoever, that the process would be so slow, as it could not be determined in six or seven years. Besides, that there must be three distinct Sentences given in it, by three divers judges, the two last to be chosen for the adverse party. Lastly, that after all this, the Sentence may be recalled; *Quia sententia contra matrimonium, nunquam transit in rem judicatum*; adding, in conclusion, as the knot of the business, that the party would Appeal. To which the king answered, 'He thought she would not appeal from the archbishop of Canterbury, and the bishops of Rochester, Ely and London: as for the tediousness of the suit, since he had patience eighteen years, that he

would stay yet four or five more; since the opinion of all the clerks of his kingdom, besides two, were lately declared for him; adding, that he had studied the matter himself, and written of it, and that he found it was unlawful, *de jure divino*, and undispensable.' Businesses standing thus, and no probability of the queen's fruitfulness since the princess Mary's birth, appearing; and the rather, that Spanish women are observed to be seldom mothers of many children; he resolves to have recourse to the Pope; comforting himself, for the rest, that no other difficulty appeared in removing all these inconveniences, than the obtaining a Dispensation to dissolve that Marriage, which a dispensation only had at first made. He knew the same key that lockt, could unlock. Therefore he thought fit to send to Rome, both to represent the dangerous condition of himself, his issue and kingdom, and to solicite the pope for a licence to marry another. And the rather, for that so many circumstances had made the Bull and Breve, upon which the first Marriage was grounded, to be suspected. The prosecuting whereof therefore (in a dispatch dated 25th Dec. 1527), was recommended, by the cardinal, to sir Gregory Casalis, an Italian; which also he was required to urge so far, as to say, that our king could impute the punishment God had laid on him in taking away his issue male, upon nothing so much, as the unlawfulness of this Marriage; which learned men did also generally so detest, as they held it to be more than the pope could dispense with (as I find they declar'd afterwards, in a book, which was sent thither.) Wherefore, that he should procure a Commission for hearing and determining this cause, to be directed to the cardinal; or, if that were refus'd, to bishop Staphylæus, dean of the Ruoota, who had been lately in England. And that he should furthermore say, that he doubted not, but the Pope would easily grant it, though against the will of Charles; since he had granted Charles a Dispensation and Absolution from the oath which he had taken to marry the princess Mary, without so much as demanding the consent of our king. For facilitating of which business, letters of exchange, to the value of ten thousand ducats, were sent him; as also certain Instruments for the pope's signing, which were, 1. a Commission, in ample form, to hear, and determine the cause in England. 2. a Decretal, wherein the pope, upon probation of carnal knowledge between Arthur and Katharine, should pronounce the Marriage void. 3. A Dispensation for the king to marry another. 4. A Pollicitation, that the pope will not recall any of those Acts.

But it was an ill time for sir Gregory to negotiate with the pope; he being, (as I find by an original dispatch of doctor Knight, dated from Rome, Sept. 13, 1527,) so aw'd by Hernando de Alanzon, that he durst neither give the said knight a public audience, nor so much as admit a private message from him, but by the intervention of the cardinal Pisani. So that, what wisdom or piety soever our king might pretend herein, the *coijuntura* certainly was no way auspicious. And the rather, because the pope, during his imprisonment in the castle of saint Angelo, had been requir'd in the emperor's name (as I find by a Dispatch of doctor Knight's from Orvieto) not to grant any Act concerning the Divorce, nor so much as suffer the cause to be heard before any judge in our king's dominions. I find also in the same letter that Lorenzo Pucci, cardinal *Sanctorum Quatuor*, being chosen by the pope for dispatching our king's businesses, had told doctor Knight, that the Commission penn'd here in England, for the Popes signing, might not pass, but that he had minuted another, which the pope (though with some reluctation) had granted; earnestly intreating our king nevertheless, not to put it in execution, till the Spaniards and Almains were gone out of Italy, and himself left in his full liberty. To confirm which grant also, the same doctor Knight, by a letter (dated Jan. 9, 1528), did certifie, that the king's Dispensation was obtain'd under lead, as amply as the Minute sent from England did contain; and the Commission for the lord legate likewise was granted sufficiently, though not according to the form propos'd; and that it was drawn by the cardinal *Sanctorum Quatuor*. Moreover, he tells (as in the popes name) that if monsieur de Lautrech were come, the pope thinketh he might, by good colour, say to the emperor, that he was requir'd by the English ambassadors, and monsieur de Lautrech to proceed in the business. All which particularities I have the rather set down, that it might appear how the difficulties that the pope made in this business, seemed to proceed chiefly from humane considerations. Which also is much confirm'd by a dispatch from Gregory Casalis 13 January 1528, where (on the popes part, and in his name) he saith, that if the kings conscience be satisfied (which he alone can best tell) his course were, *Ut statim committat causam, aliam uxorem ducat, litem sequatur, mittatur pro legato, &c.* and, that this was the only way for the king to attain his desires: though yet he intreated this advice might be taken, as proceeding from the cardinal Sanctorum quatuor, and Simonetta, and not from himself. And this, certainly, as it may be thought a politick advice, so would it have prov'd safer and easier for both, than a Commission for two legates; which as it took up more time on the kings part, so it caus'd a like danger and inconvenience to the pope. Howsoever, it appeared afterwards, that the king, either out of tenderness of conscience, or consideration of the hazard he should run, if the pope would not confirm this Act, thought not fit to allow thereof; but chose rather to demand a larger Commission than that which doctor Knight obtained; the procuring whereof also he committed to Stephen Gardiner, doctor of law, and secretary to Woolsey, and Edward Fox, provost of Kings Colledge in Cambridge; not neglecting in the mean time, both to in-

struct the Pope in his cause, and do him all the good offices he could with Christian princes and states, and particularly the Venetians, concerning the restitution of Ravenna and Cervia; though yet it took not such effect as was hoped. Neither did our king forget, by a Letter of cardinal Woolsey's to the protonotary John Casalis, to desire him to acquaint the Pope with some domestick and private passages; which (though out of the respect I bear to that vertuous queens memory) I cannot but mention somewhat unwillingly, yet must not omit, both for the sake of that truth that ought to be in history, and as it seems to contain some motive of the kings intentions. I shall set down the words in Latin as they are extant in our Record, *Sunt nonnulla secretò Sanctissimo Domino nostro exponenda, & non credenda literis, quas ob causas, morbosq; nonnullos, quibus, absque remedio, regina laborat, & ob animi etiam conceptum scrupulum, Regia Majestas nec potest nec vult, ullo unquam posthac tempore, ea uti, vel ut uxorem, admittere, quodcunq; evenerit.* 'There are besides some particular reasons to be laid before his holiness in private, but not proper to commit to writing, upon which account, as well as by reason of some distempers which the queen lies under without hopes of remedy, as likewise through some scruples which disturb the kings conscience, insomuch that his majesty neither can nor will for the future look upon her, or live with her as his wife, be the consequence what it will.'

Gardiner and Fox, receiving their Instructions in February 1528, repaired first to Francis, from whom they readily obtained a promise to co-operate puissantly with the Pope, for effectuating the kings desire, as also a persuasory and menacing Letter in case of refusal to the Pope; for complying wherewith also the bishop Staphylæus was sent by him to Rome not long after. Our ambassadors having given the king account hereof, proceeded in their journey to Italy, and coming at last to Orvieto, where the Pope then was, they found him lodged in an old and ruinous monastery, his outward chamber altogether unfurnished, and his bed-chamber-hangings, together with his bed, valued by them (as the original Letter hath it) at no more than 20 nobles. The Pope yet received them lovingly; though not without the anxiety of one who could neither safely grant, nor deny the request of a king to whom he so much owed whatsoever liberty he enjoyed. Their Instructions for the present, were only yet, to thank him for the Commission and Dispensation granted in this business to doctor Knight, and after intrusted to Gambara his agent here (successor unto Melchior Langus, who was first authorized by the Pope, to give queen Catherine notice of this affair, together with the Popes secret intention therein.) They added further, that by Gambara, as also by sir Gregory Casalis, our king had gladly understood, how all defects, upon due remonstrance, should be supplied and amended. They were charged also, from the cardinal, privately to protest in his name, that he was no author of this counsel. After which they were desired, by him, to proceed to the merit of the cause, and qualities of the gentlewoman (being, as I take it, mistriss Bolen.) The perplexed Pope, who knew well how much the Spaniard was interessed herein, heard them at this time with more fear, when at another time he would have granted their request. Therefore, together with an ambiguous answer, which he gave them by word of mouth, he sent in cipher a Letter to our king, of so much irresolution, that it needed no other cover. Howsoever, as the commission of our ambassadors was to stay till further order was given, they seemed to take all in good part. At last our able negotiators, urging the aforesaid and many other motives to the Pope, and he again finding the French and confederate army puissant and victorious in the kingdom of Naples at that time, made no difficulty to grant a full Commission to two legates, to hear and determine the Cause in England, being (according to the kings desire) Woolsey and Campejus (not long since made bishop of Salisbury.) Besides, it seems he granted this following Pollicitation, or Promise, dated at Viterbo, July 23, 1528, which yet, being no original-piece, but an ancient copy, extant among sir Robert Cottons Records, I shall mention but according to the credit it may deserve from the equal reader; only I must not omit to say, that, as divers original dispatches, both before and after, give some touches of it, and that the date for the rest is added, so it may challenge better credit than to be thought a Minute, and much less a counterfeit and supposed piece, which also is the more probable, in that the Pope granted amplier testimonies than this, in favour of the Divorce; howsoever they were either controlled again, or detained in the hands of his ministers, after that sort, that our king might well take notice, but neither copy nor advantage of them.

The Pollicitation.

" We Clement, by the providence of God the 7th Pope of that name, having duly weighed with how much justice our well beloved son in Christ, Henry 8, king of England, defender of the faith, and lord of Ireland, hath laid before us as a thing notorious, publickly known, and of evil report, his case concerning the nullity of a Marriage, which he did both contract, and *de facto*, consummate with our most dear daughter in Christ, Catherine, daughter to the most Catholick king, Ferdinand of Spain, of glorious memory, contrary to the laws both of God and man, which he thereby grievously transgressed; and having thereupon issued out our Commission in form and manner there expressed (which Commission we do hereby confirm and ratifie, as much as if here again expressed and inserted) to our beloved sons in Christ, Thomas and Laurence, by the Divine Grace, Cardinals, *Sanctæ Cæciliæ*, and *Sanctæ Mariæ in Transtiberim*, our Legats *de Latere* in the kingdom of England, from the Aposto-

lical See; whereby we did constitute and appoint them (as we do by the tenor of these presents, most fully and effectually constitute and appoint them either together or asunder) in our stead to examine, and finally to determine as competent judges in this Cause; that we may give the more manifest and evident token of our tenderness and affection to the aforesaid king Henry, in speedily administring justice, and freeing him by our immediate Sentence, from that tediousness and vexation wherewith the most just causes (by the corruption of the present times) are so far embarrassed, as scarce to be finished, and finally determined in an age: and being desirous that the Process carryed on, or to be carryed on according to the tenor of the said Commission, may be firm, valid and irreversible, we do engage, and upon the word of a Pope promise, that we will never by the entreaty, request or instance of any person, or from our own mere motion, or otherwise, at any time grant any letters, breves, bulls or writs of any sort, either under shew of justice, as acts of grace, or on any other pretence whatever, to inhibit or revoke the matter of the Commissions heretofore in the above-mentioned cause issued out, of the foresaid Commission, or of the Process by these our delegates, according to the tenor of the former commissions, or said commission either yet formed and made, or to be formed and made hereafter, whereby any prejudice, hindrance or interruption may be given to the full, perfect, final and effectual execution of the said commissions, commission or process, or whereby all or any of them may in any wise be revoked, opposed or retarded in the whole, or in any part of them; but we will preserve entire, ratifie, confirm and defend to all purposes with our utmost power and authority, most effectually the commissions and commission granted by us to our foresaid delegates, and the Process which the said delegates according to the tenor of the said commissions or commission, by their plenary power and authority have or shall form and carry on. Lastly, we will effectually make valid, and without refusal, delay, or any difficulty whatever, grant all such letters, breves, bulls or writs, which may serve any ways to strengthen or confirm the execution of the said commissions, commission, or fore-mentioned process, or to ratifie and establish any things by virtue thereof, by our foresaid delegates decreed, determined or adjudged. And we do furthermore engage and promise, upon the word of a pope, that we will in no wise (unless by force and violence compelled, or by fraud and treachery surprized) injure all or any of the foresaid particulars, or act or attempt any thing contrary to them, or any of them directly or indirectly, tacitly or expressly, mediately or immediately, upon any colour or pretence whatsoever; but will support and preserve all and every of them firm, valid, fixed, and inviolable. And farther, if (which God forbid) we should act or attempt any thing in any wise against the premises, or any of them; we do hereby for that time, will and declare as effectually as if this our Declaration were at that time made, that every such act and attempt shall be null and void: and it is hereby made null and void, and is declared, pronounced, and adjudged, to be of no force and efficacy.—Given at Viterbo July 13, 1528, in the fifth year of our Pontificat. Clement V."

This while, the queen, who understood well what was intended against her, laboured with all those passions which jealousie of the king's affection, sense of her own honour, and the legitimation of her daughter, could produce; laying, in conclusion, the whole fault on the cardinal; who yet was less guilty than the queen thought, or Polydore would make him. I will not deny yet, but out of due regard to his masters interests (so nearly concerned in this great affair,) as well as care of giving satisfaction to his conscience, which seemed much troubled, he might comply with the kings desires; but to be the single author of a counsel, which might turn so much to his prejudice, when the king should die, is more than may easily be believed of so cautious a person as Woolsey. And this innocence, perchance, was the reason that he neither suspected himself to be so much abhorred of the queen, nor to stand in that danger of her practices which yet procured at last his ruine. The first who gave the cardinal notice of the queen's displeasure (as I find by a Letter of his dated at Feversham, 5 July 1527, then in his journey towards France,) was the archbishop of Canterbury; the consequence whereof he so much apprehended, that he thought fit to use all means for satisfying her. Therefore he presently laboured with the abp. to persuade the queen, that whatsoever she heard in this kind, was intended only for clearing the surmises of the bishop of Tarbe, formerly mentioned. He writ also to our ambassadors in Spain, to quench all rumours there, upon the same pretext. But the queen had sent those agents abroad, (and amongst them, one Abel, her chaplain) who both informed her of all that passed, and engaged the emperor to assist her to the uttermost of his power. Therefore the Pope stood more and more suspended. The pace of Campejus (the promised legate) also appeared staggering and slow; and all that might frustrate the king's intentions, was secretly practised. This while the cardinal, (who out of the king's designs would ever produce and subrogate some particular end of his own, whereof, either in point of glory or profit, he might make advantage) had so disposed this of the Divorce, as thereby to mediate the Pope's entire delivery, not only from the guards, but even fear of the emperor. Again as, during the Pope's restraint, he had, (under pretence that it was the best expedient for the king's proposed Divorce) projected a meeting of cardinals at Avignon, for settling the government of the Church, where he himself intended to be present; so, now, since the king liked not that course, and that the Pope was free,

he persuaded him to erect some Cathedral churches in England, at the price of throwing down more monasteries. Whereby it appears, both how busie this Cardinal was, and how much he studied his own ends. For as he knew this would please the king (who began to think that religious persons might serve God as well in defending the kingdom, as praying for it;) so he assured himself the authority thereof would be derived on him chiefly; and the Pope, in the mean time, obnoxious, while he could not but fear how far those innovations might extend. When this project therefore was moved to the Pope, I find by a Letter of the protonotary John Casalis, Oct. 30, 1528, that he answered, gravely, he liked the design well; but that he would proceed deliberately, because it was *ad perpetuam rei memoriam*. Therefore he desired the two legates (for Campejus was by this time come) might be joyned in determining this business, and that all the revenues of the monasteries might be conferred on the new bishops; and that the two legates, having advised with the Pope hereof, should afterwards nominate them. So that it seemed the Pope held it fitting to comply with the king a little at this time, since Gardiner told him plainly, that he had in his Instructions these words to tell him, '*Necesse est supprimi pro serenissimi Regis Collegio Monasteria cujuscunque ordinis*:' in conclusion, a Bull was granted for applying the Revenues of some small Monasteries for maintenance of the king's colleges in Cambridge and Windsor Castle; the copy whereof is extant in sir Robert Cotton's Library. It may be doubted yet, whether these apprehensions, that were now, in more than one kind, given the Pope of our king's declining the absolute authority of the Church of Rome, did dispose the Pope more to oblige or disoblige him. For, though the Pope had reason to fear, lest he should lose his ancient jurisdiction in this kingdom, if he denyed; yet he might doubt as well, that in adhering too much to that side, he might offend the emperor so far, as to hazard the loss of his own. He therefore, at once treats with the emperor of a perfect peace and amity, and together of recovering Cervia and Ravenna, and of effecting certain other designs which he had in Florence; and grants (as is abovesaid) in appearance a large Commission to Woolsey and Campejus; yet, in effect, so restrained, as the emperor might see it was not out of his power to check or revoke it. And this was all that sir Gregory Casalis and Stephen Gardiner, after much importunity, could obtain. They moved the Pope also to canonize Henry 6, (which I find was formerly proposed to Alexander 6, by Henry 7,) to which the Pope answered, 'That if the archbishop of Canterbury, and bishop of Winchester (who had examined the matter *in partibus*) did send the process thither, as their Commission required, the Canonization should follow shortly after.' Businesses standing thus, our king thought fit to send sir Francis Bryan, knight, and Peter Vannes (an Italian, and his secretary, for the Latin Tongue) to Rome; (their Instructions in general, being signed with the king's own hand) were to dissuade the Pope from entring into any League with the emperor, whose design was (he said) to divest the Pope of his means and authority, by the forcible bringing in of one Angelo, a cordelier, to be Pope, who should not intermeddle with secular jurisdiction, and the patrimony of the Church; which therefore the emperor would take to himself and usurp. For preventing whereof, the king wished him to keep a guard, offering in his own and Francis's name, to contribute thereunto. They were commanded also, to search privately for a certain pretended Breve, in Rome, (said to be a Supplement or Confirmation of the Bull of Julius 2, and authorizing the Marriage with queen Catherine) since it was not to be found in the king's Records. Furthermore, they were required to discover (in the name of a third person) whether, if the queen entered a religious life, the king might have the Popes Dispensation to marry again, and the children be legitimate, and what precedents were for it? Secondly, whether if the king (for the better inducing of the queen thereunto) would promise to enter himself into a religious life, the Pope might not dispense with his vow, and leave her there? Thirdly, if this may not be done, whether he can dispense with the king to have two wives, and the children of both legitimate? Since great reasons and precedents, especially in the Old Testament, appear for it. All which they were to do with that secresy and circumspection, that the cause might not be published, propounding the king's case always therefore as another man's. Lastly (as in all other Instructions) some kind of menaces were to be added. But persuasions and terrors wanted not on the other side; which did so much more prevail with the Pope, as the danger was more immediate and pressing on the emperor's part, than on our king's. Therefore our ambassadors were so far from obtaining any thing, but what was formerly granted in the Commission to cardinal Woolsey and Campejus, that they found the Pope now more than ever disposed to favour the emperor: insomuch that they observed daily new delays and restrictions in him. Some whereof (besides the evidence in our Records) Sanders doth confess, while he saith, that the Pope, by four several messengers to Campejus (now on his way) gave him in charge: 1. That he should make easie journies. 2. That when he came to England, he should labour all he could to reconcile the king and queen. 3. That if this could not be effected, he should persuade her to enter a monastery, and take on her a religious life. Lastly, That when this could be obtained, he should give no definitive Sentence for the Divorce, without expresa commandment from him, *& hoc* (saith he) *summum & maximum sit tibi mandatum*. Campejus thus instructed, protracts all things; whereat though our king seemed scandalized, as suspecting it came from unwillingness, yet, being

an active prince, he made use of that time to negociate in Spain for recovering the Breve, (of which above) commanding the bishop of Worcester, and doctor Edward Lee, by all means to procure it. At length (and not before the beginning of Oct. 1528) Campejus coming through France, and being conducted thence into England, by John Clark, bishop of Bath, our king's ambassador there, came to London: where, being by our cardinal presented to the king, he publicly acknowledged in the name of the pope, cardinal, clergy, and people of Rome, that our king was *Liberator Urbis*. Shortly after, obtaining audience of the queen, he took occasion both to acquaint her with her danger, and to persuade her thereupon to renounce the world, and enter into some religious life. For which many pretexts wanted not, (as I find in our Records) she having been observed, since the Commission obtained, to allow dancing and pastimes more than before. And that her countenance not only in court, but to the people, was more chearful than ordinary; whereas (it was alledged) she might be more sad and pensive, considering the king's conscience was unsatisfied, and that he had refrained her bed, and was not willing the lady princess, her daughter, should come in her company. But the offended queen replying peremptorily, 'That she was resolved both to stand to that Marriage the Roman Church had once allowed; and, howsoever, not to admit such partial judges as they were, to give sentence in her cause.' Campejus writes to Rome, both to inform the Pope hereof, and to desire farther Instructions: the Answer whereunto the Pope yet so long deferred, that very near six months passed before the two cardinals sat in their Commission.

This while the bishop of Worcester, and Dr. Lee, having given the emperor an overture of the Divorce, did (by a Letter dated at Saragosa, April 5, 1529) return our king this Answer, on the emperor's part: 'That he was sorry to understand of the intended divoree, adjuring our king (for the rest) by the Sacrament of Marriage, not to dissolve it. Or, if he would needs proceed therein, that the hearing and determining of the business yet might be referred to Rome, or a General Council, and not be decided in England.' Adding further, 'That he would defend the queen's just cause.' Wherewith, the pretended original Breve was produced, and a transumpt or copy thereof (signed by three bishops) offered them, to send to England; but the Breve itself was denyed, for fear (as he said) of miscarrying. To which our ambassadors answered, That our king was a prince of that piety, that he ought not to be adjured; and for the Breve, that it was a jewel belonging to the king and his queen only, and not to be detained by any other from them. And for appealing to Rome, it needed not; since authority of determining that business was already given from thence to cardinal Woolsey and Campejus. Besides that, in causes matrimonial, the presence of the parties to be examined, being required for the most part, the emperor might easily imagine how unfit it was for the king and queen personally to go to Rome, especially at that time. After this, the emperor commanding the Breve to be read, the ambassadors required a notary to be allowed them, for setting down the whole passage of this business, together with their Protestations. But no notary but the emperor's being permitted, the ambassadors were forced to accept him, desiring notwithstanding their Allegations might be set down apart. Hereupon the emperor told the ambassadors, that he would send an express messenger to our king, to intreat him to continue his Match, and, in case of refusal, to protest against the Divorce. Our ambassadors yet persisted still in urging the emperor, for his own sake, to send the Breve for England; lest the Judges, wanting sight thereof, should proceed against the queen, or otherwise, that he would send the said Breve to the Pope. The emperor replyed, that therefore he would not send it. For if it miscarryed, the Judges might then proceed as they would; but for sending it to the Pope he would advise. And that, if matters were now as they were heretofore, he would not fear to send it to England. By a Letter also, the 20th of April 1529, they certifie the king, 'That the emperor intended to send both to England and Rome, to make his Protestations against this Divorce; and that he would not send the original Breve. Furthermore, that he required our king, according to an Article of a former Treaty, to fall upon Francis, as a perturber of the publick peace. Lastly, because the said ambassadors had heard, and considered, at large, the Breve, they sent their Objections against it.' Which, being one of the grounds of the king's proceeding in this great affair, I have thought fit punctually to set down, as they are extant in the original letter, written in cipher, and thus to be read, as I find it deciphered in our Records.

"That where it is pretended the Bull and Breve to be impetrate in one day, either they were impetrate in one suit, and by one man; and then it is not to be thought, but that this suit, being of so great importance, was committed to such a one, as could perceive, that the Bull, not containing so large dispensation as the Breve, is superfluous, (supposing the Breve to be necessary.) If the one were impetrate after the other, and the suits made by one man, it is hard to think that one man, being instructed in the suit for both, would put the dispensation of less moment in a Bull, and of greater moment in a Breve, seeing the one might be as facilly impetrate as the other, and that the dispensation in lead is more durable to remain; and, that the two kings were bound to impetrate Bulls, and not Breves, whereof he or they that had such Commission (as it seemeth) could not be ignorant. And if these suits were made by divers persons, and by several commissions, there is no reason

can be alledged, (the impetration being in one day) why to two several persons several commissions should be given herein, the thing requiring no haste, the Marriage following five or six years after; but more likely it is, if the Breve were then obtained indeed, that it was procured by secret practices not known to all parties *quorum intererat scire & consentire;* for, both the parties consenting, I think there can be no sufficient cause alledged, why, the thing being done by common consent, the Breve rather than the Bull should have larger dispensation; for what needed two divers suits, with divers commissions, if both the parties were agreed upon the suits? Especially the impetration of both being in one day.—2. Supposing it to be true, that master Abel saith, the queen to have sworn, *quod nunquam fuit cognita à Principe Arthuro;* the cause of the impetration for so much is vain, (viz. *quod Regina cum Arthuro principe matrimonium carnali copula consummaverit.*) If this be true, it appeareth that he that sued the Breve had no commission of the parties, for they would not give him commission to impetrate dispensation for cause not true.—3. Supposing it to be true, that master Abel saith to me, that the queen never heard of such Breve, before the emperors orators there presented it to her; how can it stand, that is reported in the Breve, *quod impetratum est Breve ad Reginæ instantiam?*—4. If your highness had made instance and supplication for the same Breve, it is not to be thought that it should be so far out of your remembrance, the causes of impretation being such, as your highness might and could, anon, reduce it to the same.—5. If it were impetrate at the instance of your highness, and of the queen's grace, no cause is why it should be sent into Spain to king Fernando (as the emperor's folks first said, but now swerve) and not to your highness, and the queen's grace. If any will suppose that it was done by your consent, no reason agreeth why you should consent thereto, and not rather keep it in your own hands, than send it to the custody of another. And yet, if you did consent, it cannot be thought, but that it should remain in your remembrance, as the firmity of your Marriage, and discharge of your conscience, with other things, touching highly your succession, standing therein: and it may be supposed moreover, that some writing of the deposite thereof should remain there, which is not found.—6. Considering that the king of most noble memory, your father then alive, your highnes not being at the date of the Breve past 15, or 16 years of age," [for so the Cipher is; though as king Henry was then but 12, and something more, I conceive these figures were ciphers only, signifying his true age: unless perchance the cipherer or decipherer did otherwise mistake it;] "it may be well supposed that your highness was not then much to solicite the impetration of such things. And that, if any such Breve should have been impetrate that time, that rather it should have been done at the instance of the king your father, than of your highness. And although then it might have been impetrate in your highness's name, yet it could not have been done there without knowledge and consent of the king your father, and also at his setting forth. And, if any his intervention and consent had been in this matter, he would not have bound king Fernando, and likewise have been bound himself, to get Bulls of Dispensation. And surely it may be thought, that, if the king your father consented, Don Fernando of Spain did the same, so that it cannot be doubted, but that as they say here, they have two Bulls reserved in their archives, so should also this Breve have been, which indeed was not there found, as hereafter shall be shewed, nor any such is found in your highness's archives. Wherefore it may be well reckoned, that there was no such obtained by the consent of the king your father.—And so, 7thly, maketh the Breve suspect, that the emperor's folks first said, that it was found in *Archivis Regum Hispaniarum*, as appeareth in my lord cardinals graces Letters; and now, forgetting themselves, the emperor's chancellor and Perinot have confessed to us, that it was found among the Writings of doctor de Puebla, which was orator of Spain, in England, in the king's days of most noble memory your father. Which contrariety maketh to appear that they do not upright. Of a nephew of doctor Puebla's being there, I have written in our common Letters the 5th of April, and now do again; by whom peradventure some light might be had.—8. Whoso considereth the high renowned wisdom of the king your said father, and his great sage council, men of singular wisdom and learning for all purposes, may well conceive that, or ever any Dispensation for Marriage to be had between your highness and the queen were sent for, that her grace was examined *an esset cognita à principe Arthuro an non?* And that, *si fassa est*, that the two kings would have provided therefore *Dispensationem in Bulla*, as they were bound. And on the other side, *si negavat se fuisse cognitam, nihil erat opus Brevi quoad*, &c. And for the second part of the Breve, I cannot suppose that your highness, in that time which the date of the Breve pretendeth (your highness being then not much more than 12 or 15 years of age, and the king your father living) need any Dispensation in that party. And if none needed then, why should your highness then make instance for any, which is supposed in the Breve?—9th. If this Breve were impetrate in the days of Dr. de Puebla; the being thereof so long in his hands, and the manner of keeping of the same, giveth new conjecture that it is a thing cassat; for the thing being of so much importance, touching so nigh your highness and the queen, why should he keep it; specially so long? for he lived in England after the date of the Breve 5 or 6 years, and died there, not long after the king your father. Who can think that such a king, and such a council, would have suffered the Breve to be out of

their hands, in his hands, all that time, if the Breve had been known to them necessary for this Matrimony, and of any value? And, as I said, the manner of keeping thereof seemeth to confirm the same; which manner of keeping I conjecture of two things: one, that it was not kept in a case of tin, after the manner of Breves; for only in a paper they did exhibit it to us twice. Another, that in the superscription it appeared slubbered, by reason of often handling, peradventure lying among so many his writings and old letters; wherefore, although it were then impetrate, yet it seemeth that he took it as cassat, and void, peradventure as surreptitiously obtained of his own head, without any commission or consent of the parties.—10. Another suspicion is, that, although the emperor's chancellor and Perenot say, they have divers Letters and Writings of the said Puebla's, concerning both the first Marriage and second of the queen's; yet, because they uttered not that they have any thing specially concerning this Breve, (which they would not have forgotten to say, for so much as it maketh for their purpose, if there had been any such) moved upon that suspicion, I demanded of them, and divers times to the same, whether they had any special letters concerning the Breve? They could not, ne did say that they had; but the emperor's chancellor answered, That the Breve was enough. Whereupon may be gathered; that his Answer implied, that they have none other.—11. If any such Breve were impetrate at that time, by the knowledge and consent of both the kings, likely is, that either of them should have one. Let them then here bring forth the *Breve ex Archivis suis.* If they will say, this is it; what likelihood is it, that it should be sent into England, to come into Spain? For this Breve, if it were in Dr. de Puebla's custody, came out of England after his death, with other his writings; which I think his nephew there (if he confess that it was found amongst other his uncle's writings) will also confess. I say, why was it sent into England? It is not to be doubted, but Don Fernando had an ambassador in the court of Rome, which might easilier and nearer way have sent it into Spain. Wherefore, if they cannot, out of their archives, bring forth any such Breve, their diligence in custody of such things supposed, and well deprehended in the custody of two Bulls, (for some of the secretaries said to me that they have two) they may, of this, gather (themselves) that there is no such, ne any otherwhere, of any effect and value."

The 12th suspicion against the Breve is in it self; that, whensoever it was impetrate, it was not duly impetrate, may be gathered of divers things in the same, and about the same; the hand of some learner, and not of one exercised in writing of such things; and some defaults in the writing; such, as my lord of Worcester saith, he hath not seen committed in any Breve. And, as he trusteth to prove, the date shall utterly condemn the Breve. And these Exceptions were, as I find in another Letter, dated from the same ambassadors to the cardinal: 1. that there were rasures in it; 2. divers hands; 3. names false written, as Artheras *pro* Arthurus; 4. the date false; as being Dec. 26. 1503, which, according to the date of Breves, beginning Dec. 25, was almost a year before Julius II. was pope. It was observed likewise, that the seal swelled in the middle, and appeared like some old seal newly clapped on. And thus much out of these Dispatches of those able negotiators, the bishop of Worcester, and Edward Lee the king's almoner; who, sending the transampt of the Breve to the king, April 23, by a Letter the 12th of June following, also certified our king of the sending of Gonzales Fernando, the emperor's chaplain, to the earl of Desmond, in Ireland, together with the return of a chaplain of the said earl's in his company; the emperor seeming to take this intended Divorce so much to heart, that he thought fit to give our king this jealousy. Shortly after which, I find also the bishop of Worcester repealed.

This while, the common people, who with much anxiety attended the success of this great affair, seemed, betwixt pity to queen Catherine, and envy to Anne Bolen, (now appearing to be in the king's favour) to cast out some murmuring and seditious words; which being brought to the king's ears, he thought fit to protest publickly in an Assembly of Lords, Judges, &c. called to his palace of Bridewell, 'That nothing but desire of giving satisfaction to his conscience, and care of establishing the Succession to the crown in a right and undoubted line, had first procured him to controvert this Marriage; being (for the rest) as happy in the affection and vertues of his queen, as any prince living.' To confirm which also, he caused Anne Bolen to depart the court, in such an abrupt and discontented fashion, that she determined to absent her self altogether. Neither could she be induced (as Sanders hath it) to come to the king any more, till her father was commanded (not without threats) to bring her thither. Who by representing the common danger to them both, obtained at length (though not without much difficulty) the consent of his unwilling daughter to return; where yet she kept that distance, that the king might easily perceive how sensible she was of her late dismission.

It was now mid-May 1529, when our king, understanding how the Pope intended a strict League with the emperor, and judging wisely also, that Francis, upon the restoring of his children, might easily be drawn from him, did resolve, without relying any longer on either of their promises, to take the best course he could, for giving a conclusion to this business. And the rather, in that matters seemed daily more and more indisposed for that conclusion he desired. For though Campejus, according to the order he had from the pope (as I find by a dispatch of John Casalis, dat. Dec. 17, 1528.) did both persuade the queen to a Di-

vorce, and dissuade the king from it, as having either way the end he proposed: yet he failed in both. Nor would he (as I find in the same dispatch) let go out of his hand the decretal Bull mentioned before, being the absolute decision of the Cause, (the Dispensation being relative to the queens entring into religion, or other dissolution of the Marriage;) in regard (as the Pope pretended) it was got by the importunity of cardinal Woolsey, with intention that it should be shewed to the king and cardinal only, as an *arrha* or token of his good will, and afterwards burnt; protesting nevertheless to the said Casalis, that he desired the cardinals should proceed according to their Commission, but that the *Bulla Decretalis* should by no means be shewed to any of the kings counsellors, or other person whatsoever, though upon oath of secresie; it being sufficient that the king and cardinal had seen it already, in Campejus hand. How our king yet was satisfied with this evasion of the Pope, appears not to me by any record, more than he still solicited the Pope, that it might be exhibited publickly. Howbeit the Pope, who had far other thoughts, told our agents, that he kept the *Bulla Decretalis*, secretly, as well from all his cardinals; as fearing lest the emperor should call him to a council for it. For the more caution, taking order that the memory of it should be ras'd out of all his archives. And, not staying here, (as I find by our Records) he commanded one Francisco Campana (his servant) into England, on pretence to confer with the king and cardinal, but indeed to charge Campejus to burn the Decretal. For colouring of all which, he finally objected to our king that he had not kept promise with him, about the restitution of Cervia and Ravenna. Our king conceiving hereupon, that all these difficulties the pope made, proceeded from the fear which he had of the emperor, sends to sir Francis Bryan, and Peter Vannes again, to renew his offer of a guard of a thousand or two thousand men, to be kept at the cost of the French king and his, whereof the Comte de Turenne, and sir Gregory Casalis should be captains; and, in the mean while, that a general peace should be treated of. But whether the pope, as being late enough offended with the guard which the emperor put on him, would not now accept them from any other prince; or that he thought them too slender to defend him; or that it would argue partiality to do any thing on these terms; or that otherwise he had made his private peace with the emperor, (which certainly was the truth,) I do not find the pope accepted this offer. Howsoever, he seemed still to fear the emperor; insomuch, that by a Dispatch from Gregory Casalis, dated Jan. 8, 1529, I find the Pope for the better making both his own, and a general peace, especially betwixt Charles and Francis, (which also followed at Cambray this year,) declared to cardinal Woolsey, he thought it necessary to go himself in person into Spain, and that cardinal Woolsey should go along with him; not yet as pope and cardinal, but as two legates, or ambassadors, for concluding a peace. But this journey (if at least it were really intended) was interrupted by the sickness of the pope, which was thought so desperate, that our cardinal, Feb. 7, wrote to Stephen Gardiner (then at Rome) that, by all means, he should procure the papacy for him, being (as affairs then stood) the most indifferent and equal that could be found in christendom. To which purpose also, besides our kings recommendations, the cardinal had obtained the French kings letters, written with so much earnestness for him, that though the convalescence of the pope did frustrate this design, Stephen Gardiner yet was wished to keep the Letter *in omnem eventum*. I find also, order was given, that if Woolsey could not be chosen, the cardinals which were for him (being a third part of the whole number) should put in a Protestation, and departing the conclave, should in some secure place proceed to an election, notwithstanding any to be made at Rome. But, whether the Pope having notice of this untimely ambition of our cardinal, were now offended with him, or that otherwise his engagement to the Spaniard (whereof, in a Dispatch from the pope to the emperor July 21, 1528, that came to our king's hands, there is mention) did hold him off; I find after this time the Pope more averse than ever. Therefore, notwithstanding a design of his, that cardinal Woolsey and Campejus, having finished the business of the Divorce, should afterwards go to conclude an universal peace, yet all that past in this affair afterwards (on his part) was little more than illusion. Which sir Francis Bryan discovering, in a Dispatch to our king, plainly told him, no good was to be done; which our king also believing, had commanded Gardiner to threaten the pope with his sollicitation of the princes of Almaine. Among whom I find particularly George duke of Saxony (the Lutherans in vain opposing it) to have persuaded the Divorce. Gardiner, hereupon, useth more than one menace; though so much in vain, that, for a conclusion, he advised our king to proceed upon the Commission given to the legates, the Pope being (as he alledged April 21, 1529), so awed by the Cesareans, as he had rather suffer much in anothers name, than do any thing in his own. To incourage him the more also, Gardiner calls the Breve false and counterfeit, as being not to be found in the registers at Rome. Moreover, for seconding this advice, Gardiner, by another Letter, May 4, says there was danger of recalling the Commission given to Woolsey and Campejus: which was confirmed by divers other letters from our agents. Whereof Gregory Casalis, in a dispatch of 13 June following, gives a reason, in these words of the Pope: who, being at that time more slackly relieved from the confederates than he expected, and divers of his subjects (for the rest) in arms against him, said, '*Malle sese in præceps dari, & Cæsari, à Stahulo, nedum à Sacris inservire, quam in-*

feriarum hominum, subditorum, vassaloruma; rebellium injurias sustinere.' The remedy whereof he expected only from the emperor. So that not only fear, but even hope making him obnoxious, he did, for more than one reason, incline to the emperor. Our king also, being well informed hereof by certain excusatory Letters from Rome, and that a Treaty betwixt the Pope and emperor (whereof there shall be mention) was already upon term of conclusion, and an interview appointed; gave order first to recall Gardiner and Bryan; yet so as he neglected not, at the same time, to send William Bennet, Dr. of law, to Rome, to hinder the advocation of the Cause; whereof he was so jealous, that he intercepted not only those dispatches which were sent to Rome from Campejus, or any else, but even those intelligences which queen Catharine should give to her aunt the lady Margaret, governess of the Low-Countries. So that now our king, finding his conscience unsatisfied, his nobility in suspence, and the people murmuring at these procrastinations in an affair that so much concerned the Succession, charged the two cardinals to proceed; as being satisfied by a particular discussion of this business before archbishop Warham, and divers the learnedst men of both Universities, at Lambeth, that his cause was fair.

And now, publick notice of a solemn hearing being given, the court was appointed to sit; the queen chusing archbishop Warham, and Nicholas West bishop of Ely, doctors of the law, and John Fisher bishop of Rochester, and Henry Standish bishop of St. Asaph, doctors of divinity, her council, &c. according to the permission the king gave her in that behalf. The passages whereof, out of an ancient and authentic Record in parchment, subscribed by the three notaries (used in this business, and remaining in the custody of that great antiquary, sir Henry Spelman, knight,) I shall set down, with as much particularity, as the context of my History will suffer.

The place appointed for hearing and determining the Cause, was a great Hall in Black-Fryers in London, (commonly called the Parliament-Chamber.) The time, the 21st of May 1529. The Judges, the two Cardinals above-mentioned, whose Commissions I have thought fit to set down at large:

"Clement bishop, servant of the servants of God, to our beloved sons Thomas archbishop of York, cardinal *Sanctæ Ceciliæ*, and Laurence Campejus cardinal *Sanctæ Mariæ in Transtiberim*, our legats *de latere* from the Apostolical See to the kingdom of England, health and apostolical benediction. The relation of very many persons of undoubted credit hath reached our ears, concerning the validity of that Marriage which our beloved son in Christ Henry king of England, defender of the faith, and lord of Ireland, (a Dispensation of the Apostolical See being first had) was known to have contracted and consummated with our dearly beloved daughter in Christ queen Katharine, from whence in those parts a controversie hath arisen which hath so perplexed the minds of men, and held them in suspence and expectation, what justice and equity will determine in a case of so peculiar a nature, and of so great moment, not yet tryed in any publick court of ecclesiastical judicature, that it is but necessary to proceed to some quick and speedy determination herein, to avoid that danger which must unavoidably ensue upon deferring it. But since we, whom God has appointed Servant of his Servants, to administer to all men impartial justice in judgment and truth, are not able in our person to inquire into the truth of the fact, and examine this Cause our selves: considering likewise that the fact, concerning the right of which the present debate is, may with more certainty, speed and expedition be inquired into and examined there than here; farthermore, being desirous, that in that kingdom, which has always shewn the greatest affection and obedience to the Apostolical See, all matter of dissention may be taken away, the bond of peace and love be strengthned, and the blessed harmony of mutual charity, which has so many years continued, may still flourish, and be conveyed down to posterity; and a Decision may be made of the above-mentioned Cause, concerning the foresaid Marriage, according to the rules of justice, judgment and truth, whereby this Dispute may, as it is most expedient it should, obtain a firm, valid, certain and speedy conclusion and end. For these purposes, we do hereby give and grant a plenary authority, and most ample power and commission to your eminences in our own stead either both jointly, or in case of unwillingness, or any other impediment, to either of you singly; that, being subject to the authority and jurisdiction of no court or person whatever, nor liable to any Appeal or Question concerning your jurisdiction; you do hear and examine all and every thing which may relate to the validity or invalidity of the said Marriage, or of any Apostolical Dispensation whatever, to be exhibited and produced before you, and all other things, matters, circumstances, allegations and causes, which may any ways relate to, and concern the said Marriage, and the said Dispensation: and that you do proceed judicially, without tumult or disturbance, summarily and plainly to examine all parties concerned and knowing in the case of the said Marriage, and of the validity of the said Dispensation; and if it shall to you appear, that any such Apostolical Dispensations shall be sufficient, effectual and valid, or invalid, ineffectual, unsufficient, surreptitious or arreptitious, or on any account null and void, such you shall pronounce and declare finally that they are, and ought to be held; and in like manner concerning the said Marriage, you shall, if by either party required, define, determine, and finally sentence the same to be valid, just, lawful and firm, or on the other side unjust, invalid, and unlawful, and thereupon that it is and ought to be void and null, and is therefore by you there declared invalid, unjust, unlawful, void

and null, on either side pronouncing Sentence, as shall appear most just, according to the laws of reason, and the dictates of your own consciences; and if it shall thus appear that the Dispensation is invalid, and the Marriage null, that you do judicially, deliberately, summarily and clearly, as aforesaid, pronounce a Sentence of Divorce, and grant a Faculty and Licence in the Lord to the foresaid king Henry and queen Katherine to marry again. And we do hereby create and depute you jointly, or (if as abovesaid any ways hindred) separately in our stead to execute, finish, fully and finally to determine all or any of the things contained in this Commission in so ample a manner, that whatsoever we by our power and authority could have done in the premises, all that you are hereby enabled to do as fully and effectually. We do likewise of our own certain knowledge, by our apostolical authority, and by the tenor of these presents, grant you power and authority to pronounce, sentence, and publish, if it shall to you seem convenient, that the children by the first Marriage as well as by the second are legitimate; and that you do confirm and establish the legitimacy of both sorts, either by censures and ecclesiastical punishments to be inflicted on the gainsayers, or by way of decree and perpetual sanction, or by any other more valid and effectual method or form that can be thought of, or contrived to strengthen, and effectually support the same: any General Councils, Apostolical Canons, publick Ordinances or Decrees whatsoever to the contrary notwithstanding.—Given at Viterbo in the year of our Lord 1528, 6th of the Ides of June, in the fifth year of our Pontificat."

After the Commission was read, our Chronicles say, the king was called, and appeared personally in court, at whose feet the queen prostrated her self, demanding justice, right, and pity, &c. But now to come to the authentick Record. I find the king and queen were by bishop Longland, the kings confessor, cited to appear upon 18th June next ensuing. The king (for observing his time,) gave Richard Sampson, dean of his chappel, and John Bell, doctor of the decrees, a Commission sealed in green wax, and dated at Greenwich, 15th June; by which he constituted them his proctors, with authority to refuse or accept the Court and Judgment of the two cardinals, and, if need were, to Appeal; allowing them also to substitute other proctors: binding himself finally *sub hypotheca & obligatione bonorum*, to ratifie what they should do. But the queen using a shorter way, appeared in person, protesting yet against the cardinals, as incompetent Judges; requiring further, that this her Protestation might be recorded, and so departed presently out of the court. This while the cardinals, who took into their Commission John Longland, bishop of Lincoln; John Clark, bishop of Bath and Wells; John Islip, abbot of Westminster; and doctor John Taylor, master of the rolls; sent unto the queen letters monitory; declaring, if she appeared not, they would notwithstanding proceed to execute their Commission; for which purpose the abovementioned bishop of Bath and Wells, was employed; but she, refusing, is pronounced contumacious.

Certain Articles were then put in by the legates, against our king and queen Katharine, the principal substance whereof was, that prince Arthur did marry, and carnally know queen Catharine, confirming also this Marriage by cohabitation with her till his death. After which king Henry being his brother, did marry the said lady Catharine, *An. Dom.* 1509, *in facie ecclesiæ*, and had children by her; which Marriage yet being as well *Divino* as *Ecclesiastico jure* prohibited, and (unless it may be otherwise made good) to be reputed in its self *nullum omnino & invalidum*, had caused huge scandal both in the clergy and people of England, and of many other places, insomuch that it hath come to the pope's ears, who taking notice hereof, gave Commission to those cardinals to hear and proceed in this business, according to the importance of it.

This being done, the queen is cited a second time to appear; which she refusing, is pronounced again contumacious. This hindered not the court yet to proceed, and appoint doctor Taylor, archdeacon of Buckingham, to examine the witnesses; while themselves calling for the Dispensations that were alledged in favour of this Marriage, a certain Bull and Breve were exhibited, which I have thought fit to set down at length as they are extant in the same Record.

The Bull being *sub plumbo, more Romanæ Curiæ*, was an original; but the Breve was only a copy subscribed and signed with the hand of Juan Vergara, a canon of Toledo, and publick notary, *Authoritate Apostolica;* and with the seals of Balthazar de Castiglione the Pope's nuncio, and of the reverend father in God Alfonsus de Fonseca, archbishop of Toledo.

The Bull.

"Julius Bishop, servant of the servants of God, to our beloved son Henry, son of our most dearly beloved in Christ Henry king of England, and to our beloved daughter Catharine, daughter of our most dearly beloved in Christ Ferdinand and Elizabeth, most Catholick king and queen of Spain and Sicily, health and apostolical benediction. The supreme authority of the Pope exercises its power granted from above, as it shall seem most wholsom and expedient in Christ, according to the difference of persons, things, and times. Your Petition lately exhibited to us did set forth that you, daughter Catherine, and Arthur (eldest son of the most illustrious and our most beloved son in Christ Henry king of England) since deceased, for the better preserving and continuing the Leagues and Treaties of peace and friendship between our most dear son in Christ, Ferdinand, our most dear daughter in Christ Elizabeth, most Catholick king and queen of Spain and Sicily, and the foresaid king and queen of

England, did lawfully contract a Marriage in words *de præsenti*, and did perhaps consummate it by carnal knowledge, which prince Arthur dyed, leaving no issue by the said Marriage; now whereas your Petition did further set forth, that to the end that the said amity and good friendship may be still strengthened and continued between the foresaid kings and queen, you did desire that a Marriage might be contracted between you, in order to which you did supplicate that we would of our apostolical grace and favour grant you a sufficient Dispensation on account of the premises; We therefore out of our hearty inclination and earnest desire that peace and concord should ever flourish and remain among all the faithful in Christ, but more especially among all Catholick kings and princes, hereby absolving you and either of you from all sentences of prohibition, suspension, excommunication, and all other ecclesiastical censures and penalties on any occasion or pretence whatever, either by any person or law inflicted upon you, or that in the case forementioned may be, by suit yet depending; and as we do hereby judge you absolved, so in compliance with your so reasonable request, by our apostolical authority, out of our meer and special grace and favour, by the tenor of these presents we do dispense with you, so that any impediment through the foresaid affinity between you, any apostolical constitution, ordinance or pretence whatsoever notwithstanding, you may lawfully contract marriage together *per verba de præsenti*, and when it is so contracted, although it should already have been either publicly and openly, or privately and clandestinely contracted, and perhaps by carnal knowledge consummated, that you therein may lawfully continue and remain, and we do by the same authority absolve and free you and either of you from all Censure and Sentence of Excommunication, which you may have incurred by having *de facto* entered into this contract of marriage before this Dispensation; and we do further pronounce all the children legitimate, either already or yet to be born from the said marriage, either now or to be hereafter contracted. Provided that you (daughter Catharine) have not by force and violence been hereto compelled: provided also, that if you have already actually contracted the said Marriage, your confessor, to be by you both or either of you appointed, do therefore lay upon you some wholsom penance, which you are hereby obliged to do. Let therefore no mortal man presume to infringe this our Sentence of Absolution and Dispensation, or with rash boldness to contradict our will herein; and if any one shall be so presumptuous as to attempt any thing contradictory hereunto, let him take notice that he shall therefore incur the vengeance of the Almighty God, and of his blessed apostles St. Peter and St. Paul.—Given at St. Peters in Rome in the year of our Lord 1503. Seventh of the Calends of January, in the first year of our Pontificat."

The BREVE *together with the Asseverations of those who subscribed it.*

"We Balthazar de Castiglione of Mantua, Notary of the Apostolical See, and Nuncio of the said See, in the kingdom of Spain, and all other territories and places subject to the temporal dominion of their most serene majesties Charles elected emperor, and Joan, most Catholick king and queen, and Alfonsus de Fonseca, by the grace of God, abp. of Toledo, primate of Spain, and high chancellor of the kingdoms of Castile, to all and every one to whom these presents may come and whom the knowledge thereof may any ways concern. Health in the Lord. Know ye that we formerly received with all due reverence the Letter of our most holy father in Christ, Pope Julius 2, of happy memory, in form of a Breve, under the Seal of the Fisher; which Letter was shewn us in the presence of his most sacred, and imperial, and most catholick majesty Charles, by the grace of God, elected emperor of the Romans, being whole and entire, no ways viciated nor cancelled, nor on any account or in part of it to be suspected, but free from all manner of suspicion or colour of deceit. The outward superscription of which Letter was in this manner: 'To our beloved son Henry, son of our most dearly beloved in Christ Henry, king of England, and to our beloved daughter Catherine, daughter of our most dearly beloved in Christ Ferdinand and Elizabeth, most catholick king and queen of Spain and Sicily.' And the contents of the Letter within was to this effect: 'Julius 2, Pope, sends you, dear son and dear 'daughter in Christ, health and apostolical 'benediction. The supreme authority of the 'Pope exercises its power granted from above, 'as it shall seem most wholesome and expedient in Christ, according to the difference of 'persons, things, and times. Your Petition 'lately exhibited to us did set forth that you, 'daughter Catherine, and Arthur (eldest son of 'the most illustrious and our most beloved son 'in Christ Henry king of England) since deceased, for the better preserving and continuing 'the Leagues and Treaties of peace and friendship between our most dear son in Christ 'Ferdinand, our most dear daughter in Christ 'Elizabeth, most catholick king and queen of 'Spain and Sicily, and the foresaid king of 'England, did lawfully contract a Marriage in 'words *de præsenti*, and did perhaps consummate it by carnal knowledge; Now because 'prince Arthur dying without issue by this 'Marriage, in all likelihood this bond of peace 'and amity between the said kings and queen 'would not last so firm, as if strengthened and 'supported by a new tye of affinity: You 'therefore, for these and certain other causes, 'desire lawfully in words *de præsenti* to contract Marriage; which desire as you may not 'in the premises fulfil without our Apostolical 'Dispensation therein first had, you therefore 'have made it your humble request, that we 'would of our apostolical grace and favour

'vouchsafe you our Dispensation in the premises. We therefore, out of our hearty inclination and earnest desire that peace and concord should ever flourish and remain among all the faithful in Christ, but more especially among all Catholick kings and princes: these and other reasons as thereunto moving, in compliance with your request herein, do by these presents of our apostolical authority dispence with you, so that it may be and is lawfull for you, any impediment arising from your affinity by reason of the premises notwithstanding, to contract marriage together, and in it so contracted lawfully and freely to live and continue: And inasmuch as perhaps you may have already publickly or clandestinely *de facto* contracted Marriage, and consummated it by carnal knowledge, we do in such case by the same authority free and absolve you or either of you from censure and the sentence of excommunication, which you may thereby have incurred, and we in like manner dispence with you herein, that you may be impowered freely and lawfully to live and continue in the Marriage *de facto* thus contracted, or to contract it anew; and we do declare and pronounce that all the children born or to be born from this marriage contracted or to be contracted, be, and be accounted legitimate. But our will is, that if this Marriage was contracted *de facto* before this Dispensation, that a confessor, to be appointed by both or either of you, do therefore injoin you some penance, which you are hereby bound to do. Given at Rome at St. Peters under the seal of the Fisherman, Dec. 26, 1503, in the first year of our Pontificat. 'SIGISMUNDUS.'—Which Letter being by us Balthazar de Castiglione as Apostolical Nuncio, and Alfonsus de Fonseca, as ordinary of the place, diligently read over and carefully examined, and because we found it as is aforesaid perfect and entire, without any colour or suspicions of deceit, therefore by the express desire of his said imperial and catholic majesty, both in his own, and in the name of the most serene Catherine queen of England, his most dear aunt and cosin, in as much as it greatly concerned both himself and the said queen, for the perpetual remembrance thereof, that the foresaid original may not be consumed by time, and that certain knowledge may be had of the tenor and contents of it as often as it shall be necessary, and in such places as by reason of wars or the hazard of carriage it may not be safe to transmit or trust the Original Dispensation, in compliance with the so reasonable and just request of his said most sacred majesty, we cause the said Letter to be copied, transcribed and publickly attested; willing and decreeing that to this Copy thus faithfully transcribed and publicly notifyed as unquestionable credit shall, in all places where it is thought fitting to produce it, be given as to the original letter it self. To all which both of us do give our authoritative decree and sanction. And for the fuller and more certain confirmation of the truth of these premises, we have both to this present instrument set our hands and seals. Given at Toledo this 12th of Dec. 1528."

In the presence of these most noble and most illustrious lords, Henry count de Nassau; The marquis de Zenete, lord high-chamberlain. Don Juan Manuel, Don Laurence de Gorrendo, Knights of the Golden Fleece; Charles de Popeto, lord of Chaulx; Ludovicus à Flandria, lord of Prato; Nicholaus Perrenot, lord of Grandville. All of the privy council to his said most sacred, most imperial and most catholick majesty, who were specially called and appointed witnesses hereto. Balthazar de Castiglione, nuncio and apostolical collector; Alphonsus, archbishop of Toledo. I Johannes Vergara, canon of Toledo, professor in divinity, and by the apostolical authority appointed public notary, who was present at the signing and sealing of all the premises, and saw the said witnesses subscribe their hands, have signed this publick instrument, and set my name to it, in testimony of the truth, being thereunto called and required by his said imperial catholick majesty."

Against these Dispensations, the following OBJECTIONS *were used.*

"1. That the peace and unity betwixt England and Spain was firm before the granting of the Dispensation, which yet was alledged as a cause. 2. That the said Dispensation, as being grounded on this pretext, must be held surreptitious, Henry 8, being then not above 13, and consequently unable for Marriage, which also if the pope had known beforehand, or that otherwise it had been represented to him, he would not have easily granted any such Dispensation. 3. Because it was pretended that Henry 8 had desired the Match only for maintaining peace betwixt the two kingdoms; whereas, (being then not above 13) he must be thought uncapable of such thoughts. 4. That though this Dispensation might once be thought to have his force and vertue, yet seeing the motive of granting it was grounded upon the above-mentioned peace, and that one of the said princes died before the solemnizing of the said Marriage, the cause of the Dispensation must be held void. 5. That, supposing the Objection of Affinity were taken away by vertue of the said Dispensation, yet the Objection *de publica honestate* was not cleared. 6. That the Breve above-mentioned appears by the tenor of it to contain many falshoods and suspicions, and particularly that the stile, inditing, as also many clauses and circumstances, differ from the Bull, so that it may be thought forged since the time of the questions moved concerning this Matrimony; as by comparing them together may be manifestly gathered."

This also was urged by these Reasons:

"1. That in the Register-Book of the Breves at Rome, no such breve is found, or any argument that such a breve was made. 2. That likewise neither in the Chartophylacio,

or Paper-Chamber of the king, no such Breve is extant, nor otherways, in the private Treaties of the Marriage, any mention is made thereof. 3. That in the date of the said Breve, as it is exemplified, the year of our Lord is discrepant from the vulgar account; for whereas the stile of the court of Rome begins always from the nativity of our Lord, this seems to be a year before Julius was made Pope."

All which Objections were delivered to the king's proctor, that he might answer to them. Whereupon witnesses being summoned to appear, July 12, Thomas duke of Norfolk, Charles duke of Suffolk, Thomas marquis Dorset, George earl of Shrewsbury, Thomas viscount Rochfort, Robert viscount Fitzwater, John bishop of Carlile, sir David Owen, sir John Hussey, sir Richard Weston, knights, with divers others, presented themselves to be examined, by the archdeacon of Buckingham, abovementioned.

In the mean while, these two Articles were added to the former, as serving to strengthen the Objections above-mentioned. 1. That the year for pope's breves begins Dec. 26, and the year for bulls the 25th of March. 2. That in all Marriages contracted within the kingdom of England, the form hath been in words, *De præsenti, ego accipio te, &c.*

Businesses being thus ripe for examination of Witnesses, the Depositions of two ancient ladies, who excused themselves by their infirmity from appearing in person, were publickly read. —1. The first, being Mary countess of Essex, said little, but in general terms. 2. But Agnes the old dutchess of Norfolk, who was present at the Marriage at St. Paul's in London, declared the age of prince Arthur at the time of his said Marriage to be about 15; and moreover, did positively affirm, that she saw prince Arthur and the lady Catharine, alone, in bed together, the next night after their Marriage. Which therefore, as also a following Deposition of the viscountess Fitzwater, may serve to answer Sander's tale, where he saith, a grave matron was put into the same bed with him, to hinder the prince from knowing her carnally. 3. George earl of Shrewsbury deposed, the Marriages was celebrated at St. Paul's, *Decimo septimo Henrici Septimi*, 1501, adding further, that prince Arthur was born at Winchester, *secundo Henrici Septimi*; and that he believed the prince knew his lady carnally, both as being able so to do, as also because himself knew his wife being not sixteen. 4. William Warham abp. of Canterbury, being examined, protests not to reveal any secrets of the queen, as being her sworn counsellor. For the rest, as he answered warily to the questions propounded him concerning the validity of the Match, insomuch that he referred himself therein to the Judges, who were to determine it; so yet he made no difficulty to confess that he approved it not at first; which also he declared, not only in a contestation which he had with Richard Fox bishop of Winchester, who persuaded it, but in certain words to king Henry 7 himself, whom he told plainly, that the Marriage seemed to him neither honourable, nor well-pleasing to God. Adding further, that because the said king Henry 7 appeared not much inclined to the Marriage, that he the said deponent intreated him to persuade his son prince Henry to protest that he would not take the lady Catharine to wife, and that he should renew this protestation when he came to the crown; which also he the said deponent believeth was made. Notwithstanding, that when the Bull of Dispensation was granted, that he the said deponent contradicted it no more; and that the murmuring of the people on that occasion was quieted, till the king's conscience being troubled, revived it again. 5. Sir William Thomas, knight, deposed, prince Arthur and the lady Catharine lived five months partly about London, and partly at Ludlow, in household together as man and wife: and that he heard sir William Wodal, who was at the prince's christning, say, that he was above 15 at the time of his Marriage, and the lady Catharine elder. 6. Sir Anthony Poynes, knight, deposed, that prince Arthur was above 15 at the time of his Marriage. 7. Thomas marquis Dorset, deposed, he saw a Register of the nativity of the king's children; by which he found the prince Arthur born September 20, 1486, and that at the time of his Marriage (which was upon a Sunday, in Nov. 1501, he was of a good and sanguine complexion, and able as he supposed for that purpose. 8. Robert viscount Fitzwater deposed, the prince was then about 15, and queen Catharine elder; and that, the next day after being in bed together, (which he remembered after they entered to have been solemnly blessed) he waited at breakfast on prince Arthur, where Maurice St. Johns did carve, and he the lord Fitzwater gave drink: at which time the said Maurice demanding of the prince how he had done that night? The prince answered, I have been in Spain this night. 9, 10, 11. Thomas lord Darcy, Wm. lord Montejoy, and Henry Guldeford, knight of the garter, said little but by way of publick report. 12. Charles duke of Suffolk deposed, that he was in the bishop of London's palace the morrow next following the day of Marriage, and that he waited there upon the prince at breakfast, confirming moreover in effect the words of Maurice St. John, before set down. Furthermore, he added, that the Shrovetide following the Marriage, (which was in Nov. preceding) the said prince began to decay, and grow feeble in body; which grew, as the said St. John related, by reason the said prince lay with the lady Catharine. 13. David Owen deposed, that prince Arthur was born at Winchester, *secundo Henrici septimi*; which he knew, because he was at the christening. 14. Thomas duke of Norfolk, lord treasurer of England, deposed, that he being the day of the Marriage in the bishop of London's palace, and the morrow after, at the prince's breakfast, heard the prince's words to Maurice Saint John, when he said he had been

that night in the midst of Spain; by which words, as also because prince Arthur was a gentleman of a good complexion and nature, and above 15, he believes that he carnally knew his lady; because himself also at the same age did carnally know and use: and he believes this the rather, that he heard from credible persons, that the said prince Arthur did lie with the said lady Catharine five or six nights afterwards. 15. Anthony Willoughby, knight, deposed, that being the morrow after the Marriage in the prince's privy-chamber, the said prince spake afore divers witnesses these words, 'Willoughby, give me a cup of ale, for I have been this night in the midst of Spain.' After which he said, 'Masters, it is a good pastime to have a wife;' which words he repeated also divers other times. Moreover, he heard say they lay at Ludlow together the Shrovetide next following. 16. Nicholas bishop of Ely said, he could depose nothing concerning the *carnalis copula*, but that he doubted of it, because the queen often *sub testimonio conscientiæ suæ* said to this deponent, that she was never carnally known of prince Arthur, though otherwise he must confess them both to be *legitimæ ætatis* at the time of their Marriage. He doubted further, whether the cardinals were competent judges, an Appeal being made from them. 17. Rd. Sacheverel, knight, deposed, the people said commonly, that it was unfit one brother should marry the other brother's wife. 18. Thomas viscount Rochefort, deposed, that he heard divers of prince Arthur's followers confirm the words he used, of his having been in Spain the night of his Marriage. Moreover, he heard say, that king Henry 8, was persuaded by his confessor, about two years since, to abstain from the bed of the lady Catharine, lest he should offend his conscience. 19, 20, 21, 22, 23. Sir Rd. Weston, and sir John Hussey, knights, deposed, the age of king Henry 8, was 38 upon the eve of the feast of saint Peter and saint Paul last; which viscount Rochefort also confirm'd, saying the place of his birth was Greenwich, and the year was 1491, and day the 28th of June; which Robert viscount Fitzwater confirm'd also, adding that king Henry 7 died two days before the feast of saint George, 20 years since; with whom David Owen, servant and counsellor to king Henry 7, agreed, save only, that he said it was three days before the feast. 24. Thomas duke of Norfolk deposed, that Pedro de Ayala or Allea, and doctor de Puebla, ambassadors from Spain, were much in favour heretofore with Henry 7, and that Henry 7 died before the Marriage betwixt his son prince Henry and the princess Catharine; and queen Isabel or Elizabeth her mother died also before that time. 25. Wm Warham, abp. of Canterbury, and counsellor to Henry 7 and Henry 8, for 36 years last past, deposed, that he conceived Henry 8 to be under 13, at the time of Dispensation granted; because king Henry his father told him that he was *impubes* after that time. Whereupon this deponent reply'd to the king, that any Protestation he should then make, would be of no force, and therefore he should make it again one or two days after his coming to *annos pubertatis*. 26, 27. Charles duke of Suffolk, and Thomas marquis Dorset, examined again, said little but what was formerly set down. 28. Pedro Mates, *Utriusque Juris Doctor*, native of Barcelona in Spain, who had lived in the court of Rome 30 years, *in exercitio causarum*, deposed, that the date of years there is computed after three divers manners; so that Judgments, Contracts, and last Wills, bear date from the nativity 25 *Decembris*; *Literæ Apostolicæ sub plumbo* 25 of March; *Literæ Apostolicæ per Breve sub annulo piscatoris, cerâ rubeâ impresso scribuntur simpliciter & absolutæ absque expressione ipsius Domini aut Nativitatis, aut Incarnationis, sed solum Anno M. D. &c.* Yet so that he conceiv'd it began always *à Nativitate, scilicet* 25 *Decembris*; neither doth he know any thing to the contrary, except the pope's secretary alter the stile. 29. Nicolaus Rusticus of Lucca in Italy, saith that *Annus Domini in Brevibus Apostolicus* is computed from the nativity of our Lord. 30, 31, 32, 33, 34, 35, 36. Thomas viscount Rochefort, Henry Guilford, knight, Thomas marquis Dorset, Thomas duke of Norfolk, Wm. Falke Notarius Publicus, John Taverner, and John Clamport, being examined, deposed, that the forms of marriages are always *in verbis de præsenti*, in England. 37. The lady Elizabeth, wife to viscount Fitzwater, deposed, that she saw the lady Catharine and prince Arthur in bed together, which was blest, and that she left them alone together.

Hereupon the Depositions were published, and the king's proctor summon'd to receive those acts and writings he deliver'd into the court; but he not appearing, is pronounced contumacious.

The commissioners yet proceeded to require the sight of the Archiva, and Record concerning this business; for which purpose Thomas Wriothesly, and Thomas Tong king of arms, had been employed: these men certified that prince Arthur died in the castle of Ludlow the 2d of April, 1502, and that his brother Henry was born the 28th of June, 1491, and that the Marriage betwixt prince Arthur and the lady Catharine was the 14th of November, 1501. This being done, a Deposition of Richard Fox, bishop of Winchester, taken by doctor Woolman, April 5th and 6th 1527, was read. The most substantial part whereof was, that he conceived doctor Puebla did first motion this Match, and that more than one Bull was impetrated for dispensing therewith, whereof two remained in England, one or two were extant in Spain, but all of the same tenor, and gotten without asking the consent of Henry 8. Furthermore, that he did not remember that Henry 8 when he came to age, did expressly consent to, or dissent from the intended Marriage, yet that he believed that a Protestation was made in the name of Henry 8 to this effect: That notwithstanding any contracts or

tokens mutually sent, or cohabitation in the house of king Henry 7, he would not hold himself bound to ratifie this act done in his nonage; and that this Protestation is to be found *inter protocolla Magistri Ryden*, then clerk to the council, before whom it was made. As for the person by whom this Protestation was made, *Coram Magistro Ryden Notario publico; credit quod vel ipsemet, vel Magister Thomas Rutha tunc Secretarius Domini Regis, & postea Episcopus Dunelm. vel Mr. Doctor West tunc consiliarius ejusdem domini Regis & nunc Episcopus Eliene. fecit eandem protestationem nomine domini nostri Regis Henrici Octavi moderni; præsentibus tunc ibidem Comite de Surrey tunc Thesaurario Angliæ & postea Duce Norfolciæ ac domino Doctore Peohebla, & coram sæpe-dicta clarissima Domina Catharina. ut recolit, ac infra Ædes Episcopi Dunelm. vulgariter nuncupat.* Duresme-place. Adding further, that our king was not present there, that he remembers. Furthermore, that upon conference had betwixt Henry 7 and himself, he found it was the intention of that king, that his son Henry should marry the said lady Catharine, although he deferr'd the solemnization of this intended Matrimony, by reason of some discord which was at that time betwixt him and the king of Spain, for the calling back of the dowry. He added moreover, that king Henry intended not (that he knew) to marry the mother of Charles 5, but his aunt Margaret, dutchess of Savoy.

This Examination being compleat, and set down by Andrew Smith, notary, the said doctor Woolman required him to subscribe his hand; which was refused by the said bishop, both because he was blind of both eyes, as that he was not admitted to take any counsel or advice about it. But doctor Woolman pressing him on the kings part, that he should subscribe his name, he at last assented, out of the reverence he bore to the king, and that he never contravened him in any thing. Whereupon he subscribed his name April 8, the year abovementioned, being 1527. After which also another Instrument of this tenor was produced.

" Augustimus Spinola, Priest, Cardinal St. Syriaci in Thermis, and high chamberlain of the holy church in Rome, to all and singular to whom these presents may pertain, health in the Lord. It is not only agreeable to reason, but a point of honesty, that when enquiry is by any persons made into the processes of the Popes which have been written, registered, and entered into their books, and preserved in their archives, that a true and just account of them should be given: for which reason we do make known and testifie to every of you, by the tenor of these presents, that in the Books and Registers of the Apostolical Chamber, to wit, in the Book of the Register of the breves of the 1st, 2nd and 3rd years of Pope Julius 2, of happy memory; we have seen, and read a certain Apostolical Letter in form of a Breve of the said Pope Julius 2, registered according to custom, the tenor of which is to this effect.

' To our most dear son in Christ, the most illustrious king of England, health and apostolical benediction. Most dear son in Christ, we have received your highnesses's Letters, in which you give us thanks for so graciously receiving your ambassadors, for granting them such ready audience, giving them such kind answers, and bestowing upon them other marks of our grace and favour. To esteem so highly, most dear son, which light favours is the effect of that piety and gratitude you have never failed to shew. We have indeed already made manifest both in our words and actions, as far as we were able, our good affection to you, nor shall we ever be backward to manifest the same in more instances, it being but reasonable and just so to do, on account of your highness's great zeal for, and particular devotion towards us, and the Apostolical See. As for the Dispensation in the point of your Marriage, it has never been by us denyed, nor have we ever given any just cause to suspect that we would deny it, as some have basely suggested: on the contrary, our answer has been, that we wait only till a more seasonable and proper time shall offer itself, that it may be done more to the reputation of both parties, and to the honour of the Holy See than now. When we shall find this more proper season to grant the Dispensation, as we have determined to grant it, we do purpose to send it (as a thing of great trust and moment) by our beloved son Dr. Robert Sherbon, dean of St. Paul's London, one of your ambassadors, who together with his extraordinary learning, has given evident proofs of his modesty, fidelity and diligence, and this we choose to do on two accounts; both that it may by him be conveyed with secrecy and privacy; and besides that, we may further recommend one of his great capacity and integrity, as a person whose fidelity and services may be of further use to your highness at home, since the disagreeableness of this air to him, and the excessiveness of the heat make it impossible for him to continue longer at Rome without hazard of his life. Given at Rome at St. Peters, July 6, 1504, in the first year of our Pontificat."

Letter from the Pope to King Henry.

The rest, having little material, save that mention is made how the Cardinal *Sancti Petri ad vincula*, the Popes nephew, was made Protector of the English, I have purposely omitted, that I may insert another Letter of the Popes of 22 Feb. 1505, the tenor whereof is this:

" To our most beloved son in Christ, the most illustrious Henry king of England, health and apostolical benediction. We have been informed by our beloved son in Christ, the Cardinal St. Petri ad Vincula, the Protector of you and your kingdoms, and our nephew according to the flesh; and by our venerable brother Sylvester bishop of Worcester, your highness's ambassador here, that the Letters of Dispensation in the point of your Marriage,

which they have so long solicited in your highness's name to procure, have already been sent to you from Spain. Know therefore, most dear son, that at the instance of the foresaid cardinal and bishop, but in respect wholly to yourself, we did grant the said Dispensation, and in consequence appointed our Bull under the seal of lead to be got ready to be sent your highness in due time by the foresaid cardinal and bishop. But whereas Elizabeth, of glorious memory, most Catholick queen of Spain, perceiving herself to be now finishing the course of her mortal life, did with great earnestness, and most pressing instances by her ambassador, most humbly entreat us, that we would vouchsafe for her consolation to grant her a copy of the said Letter, that being by us fully satisfyed of this Dispensation, she might to her great comfort depart this life in peace; we thought it a piece of Christianity, and an indispensable part of our paternal love and affection toward her, to comply with the queen's earnest request at a time she was expiring, in communicating to her the knowledge of a thing, which even to the commonest and meanest of of her subjects, would give comfortable and chearful hopes from the prospect of so near an allyance with your highness; especially when her ambassador promised the greatest faithfulness and secrecy herein (which promise we are greatly grieved and troubled that he hath broken.) The Original Bull we judged meet and convenient, to keep by us till we have an opportunity to send it you, by the same our most dear and most faithful bishop of Worcester, together with the sword which we thought fit to present your highness for your singular piety, and filial obedience to the Holy Apostolical See, at which time your highness will receive more perfect information, as well of the reason of our delaying hitherto to send the Bull, as also in some other affairs with which we have intrusted him. Nor ought your majesty to wonder, that we have not communicated before any thing hereof to our cardinals, or your majesties ambassador, since we could never have thought it possible, that the ambassador of her said majesty should have herein thus deceived us, and that the said Letters of Dispensation should be transmitted to you from Spain, the Copy of which we granted only for the consolation of the said queen, who thus lay at the point of death: and not denying them to your highness for want of inclination, which we with great reason have, to gratifie your desires herein, who have so well deserved of us, and of the Holy Catholick Church, nor out of distrust or disrespect to the said Cardinal or bishop your ambassador, of whose fidelity and diligence in promoting your affairs, we are abundantly satisfyed. Given at Rome, at St. Peter's, Feb. 22, 1505, in the second year of our Pontificat."

And that these are true copies, Augustinus Spinola, at the instance of king Henry 8, and by the commandment of the Pope, did certifie under the hand and seal of his office the 27th of Jan. 1529.

In sequence whereof, the commissioners took oath of the kings of arms, that the copies they delivered were true, appointing further the next Wednesday, *ad concludendum*. Upon which day (being 21 July) the commissioners being sate, John Hughes, promoter, appeared before them, and signified that there is found a certain Protestation made by our king, when he came to ripe years, in the presence of notaries and witnesses, and subscribed with the hand of the said king (at that time prince of Wales) and some counsellors of king Henry 7, which he said were much to the purpose of the business then in question. Whereupon the commissioners received the said Protestation *in præsentia dicti Magistri Ricardi Sampson Procuratoris Regis, & in contumaciam Reginæ*; Commanding further, that it should remain *penes acta sua*. The tenor of which protestation is thus:

King Henry's PROTESTATION *against the Match before its Consummation.*

"In the name of God, Amen. In the presence of you the Reverend Father in Christ, by the grace of God, and favour of the Apostolical see, Richard lord bishop of Winchester; I Henry prince of Wales, duke of Cornwall, and earl of Chester, do say, alledge, and by this writing set forth; that although in my minority and being not as yet arrived to ripeness of age for giving my consent, I have *de facto* contracted a Marriage with the most serene lady Catharine, daughter of the king of Spain, which contract, although it be of itself invalid, imperfect, and of no effect and force, by reason of my said minority; yet because this contract when I shall come to age and years of consent, may appear and seem valid, and confirmed by tacit consent, mutual cohabitation, giving and receiving tokens and gifts, or any other determinate way; for these causes, I the foresaid Henry prince of Wales, now nearly arrived to maturity of age, and being just at years of consent, do hereby Protest, that by any thing said or to be said, done, or to be done, I do not intend to ratifie, confirm, or make valid the said pretended Contract of Marriage; but by these presents, being thereunto moved neither by force, craft, nor intreaty, but voluntarily, freely, and without any compulsion whatever, I do renounce and disclaim the said Contract; and do resolve and intend by the most powerful means, in the most significant terms, and most effectual manner I can, to renounce, disclaim, and dissent from the said pretended Marriage Contract, as the same is hereby renounced, disclaimed, and dissented from. And I farther protest, that by any word, deed, action or behaviour, said or done by myself, or by any other in my name, or to be said, acted, done or performed by any person at any time, or in any manner whatsoever, I do not consent to the said Marriage Contract, or receive the said lady Catherine as my lawful spouse and

wife; to all which premises, this my testimony is given, set forth and published by me, Henry Prince of Wales."

The above written Protestation was made and read by the most serene prince the lord Henry, before the reverend father in Christ, Richard lord bishop of Winchester, who then sat judge, and before me the under-written notary publick, who took it in writing, in the presence of the under-written witnesses, in the year of our Lord 1505, in the eighth indiction, in the second year of the pontificat of our most holy father in Christ, by the Divine providence Julius 2, pope, on the 27th day of June, on which day his most serene highness the prince, was entring upon years of maturity and age of consent, as he there asserted, in a certain ground room, under the royal palace of Richmond, situate in the western part of the said palace. Concerning all which, and singular the premises, his said most serene highness the prince, instantly ordered and demanded of me the said notary, to draw up this publick Instrument, and the under-written witnesses, thereto to bear testimony, In proof and evidence of all which things, and every of them, his said most serene highness the prince, and the witnesses, as is aforesaid, being thereunto called and required, set their names subscribed with their own hands. The truth of all which, I John Read testific, by setting thereto my hand and seal manual. G. Daubney, C. Somerset, Thomas Rowthale, Nicholas West, Henry Marny.

Among whom Nicholas West, above-named, now bishop of Ely, in presence of the commissioners, acknowledged and confessed, that this Protestation was subscribed with his own hand. Whereupon the commissioners, in *contumaciam Reginæ*, did, in the presence of the above-mentioned proctor, continue and prorogue the court, till Friday next following, warning the said proctor also to be there. Upon which day, being the 23d of July, the court being set, the promoter above-mentioned signified unto the commissioners, that all that was requisite for the instruction and information of their understanding and consciences, had been judicially proposed and exhibited to them, and remained in their custody, and that therefore this day was assigned, and appointed for concluding the business. Notwithstanding because cardinal Campejus alledged and protested in *verbo veri prelati*, that a certain general vacation, which he termed *Ferias generales messium & vindemiarum*, was observed in the court of Rome every year, before the said Friday; and because he and his colleague were bound to follow the stile of the said court in the process of the above-mentioned Cause; therefore the said Judges, in the presence of the kings proctor, and in *contumaciam Reginæ*, did prorogue the conclusion of this business, until the first of October next following, warning the king's proctor then to appear, and receive a conclusion of this business as should be according to justice. All which passed in the presence of Thomas duke of Norfolk, the bishop of Ely, and divers other persons.

And thus much out of the Record formerly mentioned; which I have with more particularity set down, in that it is so rare and unusual a case to find a prince submit himself, in his own kingdom, to the judgment of two persons, whereof one was a suspected stranger, the other, in birth, but of the meanest of his subjects, and after all this, to receive no other fruit hereof, but delay and insatisfaction; as appears not only by this abrupt dismission, but by a sudden advocation of the cause, to the pope, inhibiting further proceedings here (as will appear shortly after;) the consequences whereof extended further yet than our king then thought, or the pope could easily have imagined,

These Proceedings were subscribed by the notaries William Clayburgh, doctor of both laws, Protonotarius Apostolicus, Florianus Montinus, and Richard Watkins, who acknowledged the rasures, interlineations and lines in the margin, together with the number of the leaves in the parchment book (being 69.) To which also Letters testimonial from Nicholas Wotton, doctor of the laws, and the bishop of London's official, having the seal of the office, were annexed. After all which a Dispensation, written by a later hand, and in loose paper, was found in the said book. Though that alone should not have induced me to publish it, had I not seen it already printed in a book called Anti-Sanderus, and met in our archives some dispatches that make it probable:

The Bull for a new Dispensation.

"Clement bishop, servant of the servants of God, to our most dear son in Christ, the most illustrious Henry king of England, defender of the faith, health and apostolical benediction. You have caused to be laid before us, that heretofore you, and our beloved daughter in Christ, Catherine, widow of * * * your own brother, knowing the relation that was between you, of the first degree of affinity, did *de facto* contract Marriage in words, *de præsenti*, and did consummate the said Marriage by carnal knowledge, and from thence had children born, having no sufficient canonical Dispensation granted you to that effect, incurring therefore the Sentence of Excommunication: And whereas your majesty who cannot without sin live in the said Marriage, does desire to continue no longer in the said sin, nor lie under the sentence of excommunication; but by some competent ecclesiastical judge, to receive the benefit of absolution from the said sentence of excommunication, and that the Marriage itself should be declared to have been, and still to be null and invalid, and that it is, and may be lawful for you to marry any other woman, any canon to the contrary notwithstanding, and that in consequence of such declaration of the nullity of the said Marriage, you may be dispensed with, lawfully to marry any other woman, and with her in marriage freely to live, and lawful issue by her to have,

although she may be one who has already contracted marriage with some other person, provided she hath not consummated it by carnal knowledge; and although she may be related to you in the second or more remote degree of consanguinity, or first degree of affinity, either from lawful or forbidden wedlock, provided she be not the widow of your said brother, and although she may be related to you by any other legal or spiritual affinity, whereby an impediment may otherwise lie against you therein, in the common course of law and publick justice. And whereas your majesty has farther laid before us, that it is evident from the Chronicles of your kingdom, that many grievous wars have often arisen in your kingdom, that all Christian peace and concord hath been violated and disturbed by traiterous and malicious men, out of their detestable ambition, and wicked desire of power, but under pretence that some of the children born in just and lawful marriage of some of your predecessors and forefathers, were illegitimate, on account of some impediment in the said marriages, by reason of consanguinity or affinity, whom under pretence of the said illegitimacy, they have gone about to exclude from the Succession, from whence has followed most miserable destruction and bloodshed, both of princes and nobility, as well as of the common people; on which account your majesty has supplicated us, that of your apostolical grace and favour, we would vouchsafe herein to consult the peace and quiet of your kingdom and subjects, to obviate these great miseries, and apply fitting remedies to the aforesaid grievances. We who favourably listen to, and as far as with a safe conscience we may, chearfully comply with all petitions, especially those which concern the safety of their souls, which we at any time receive from Christian princes, especially from your majesty, by reason of the manifold marks of affection and kindness you have always shewn both to us and the Apostolical See, over which by the Divine permission we preside, which you have not ceased most courageously to maintain and support, as well with your power and sword, as with your learning and pen, from the most wicked attempts of nefarious men, who partly by force and open violence, partly by craft and subtle doctrines, endeavoured to undermine and overthrow it; for the foresaid, as well as some other reasons us thereunto moving, in compliance with your Petition, we from our apostolical authority, by our certain knowledge, and out of the plenitude of our apostolical power, by the tenor of these presents do dispence with you, that if your contract of Marriage with the said Catherine, shall be declared to have been, and still to be null and invalid, and you to be lawfully freed from the bond thereof, that then it may, and is lawful for you to marry any other woman, and any other woman to marry you, provided she be not thereto by you compelled, although she should be one who has already contracted Marriage[a] with some other person, provided she hath not consummated it by carnal knowledge, and although she may be related to you in the second or more remote degree of consanguinity, or first degree of affinity, either from lawful or forbidden wedlock, provided she be not the widow of your said brother; and although she may be related to you by any other legal or spiritual affinity, whereby an impediment may otherwise lie against you therein, in the common course of law and publick justice: and if such Marriage is contracted, that you may lawfully continue and remain therein, although it should be so, that this Marriage was contracted *de facto*, by you either openly or clandestinely, and by carnal knowledge consummated before this Dispensation was granted, determining further, that all the children born, or to be born, from this marriage, be, and be accounted legitimate; any prohibitions of the divine law, constitutions or ordinances whatsoever declaring the contrary notwithstanding, which we do, as far as by our apostolical power we may, disannul and rescind so far as they may affect this special particular matter now before us only, leaving them in all other regards, and to all other manner of purposes in their full force and power. Strictly enjoyning, and in virtue of their canonical obedience commanding, under the threat of Divine vengeance, and under penalty of Anathema, and other ecclesiastical sentences, censures and punishments, which we do now for that time pronounce and publish, by the tenor of these presents, that no person whatever shall presume or attempt to alledge, propose or object either in open court or in private discourse, any impediment in the Marriage which by the tenor of these presents you shall contract, or to speak or act, or attempt any thing in word or deed against the legitimacy of the said Marriage, or the children which shall be born of it on any insinuation or pretence of marriage præcontracted, consanguinity in the second, and more remote degree of affinity as aforesaid in the first, or any other spiritual or legal affinity in the common course of law and publick justice judged an impediment. Let no mortal man therefore presume to contradict this our Writ of Dispensation, Decree, Ordinance, Inhibition and commaud, or with presumptuous boldness in any wise to gainsay it. And if any one shall presume herein, let him know that he shall incur the vengeance of the Eternal God, and of his holy apostles St. Peter and St. Paul. Given in our city of Orvietan, in the year of our Lord 1527, 16 Calends of January, and in the fifth year of our Pontificat."

While these things passed thus in England, the queen found means to inform the lady Margaret, regent of the Low-Countries, of the whole process, who thereupon sends word of it to Charles and Ferdinand, intreating them to assist their aunt; which they accorded, dispatching their orators to the Pope, whom also the queen constituted her proctors in the court of Rome; giving them Commission to tender to the Pope a Copy of the Bull, Breve, and her Declaration that she was never car-

nally known by prince Arthur. Shortly after which, the said orators, in the queen's name, made a Protestation against the two legates now in England (every page subscribed with queen Catharine's own hand) intreating the Pope to advoke the Cause, to annul the proceedings in England, to warn the king to desist his suit, or at least to try it at Rome, &c. or, otherwise that they would seek their remedies elsewhere. The Pope being thus pressed at Rome, and having now concluded the treaty with the emperor at Barcellona, July 3rd, 1529, about three weeks before the Cause was prorogued by Campejus, could no longer, either with safety of his person or dignity, favour our king; so that what excuses soever (in the frequent dispatches he made about this time) were given to our king, yet were they little more than compliment and evasion, till, finally, declaring himself more openly for the emperor, he signed an Advocation of the Cause to himself, inhibiting further proceedings, under great penalties. And herein (as our agents did observe) the Pope's principal ministers did not a little concur, that the benefit of deciding thereof might fall upon them. In vain therefore did our agents (being sir Gregory Casalis and Dr. Bennet) both by representing the defection of our king from the Roman See, and the ruine of the cardinal of York, labour to stay these proceedings. For the Inhibition was brought into England, about the beginning of September, the king then being in his progress; and because it was sent to the queen to make her benefit of it, the king (by Stephen Gardiner, now his secretary) sends to Woolsey, to persuade the queen to let this Inhibition (or, as he calls it, a Citatory Letter) sleep, it containing matter prejudicial to his person, and not to be published to his subjects: and that it will be sufficient for the cessation of the process that the Pope by letter to Woolsey (July 19) hath signified his Advocation of the Cause. Nevertheless, if the queen will needs have the Inhibition executed, then that it should be privily executed, upon the two legates, (rather than be divulged in Flanders;) which it seems was done accordingly. Howbeit, shortly after the Advocation was granted, the Pope, conceiving that the censures and penalties mentioned in the Inhibition would not be well taken by our king, dispatched a Breve to him of August 29, which, for the better satisfaction of the reader, I have thought fit to transcribe out of the original and insert here.

The Pope's Breve to the King of England.

"Most dearly beloved son in Christ, health, &c. A cause heretofore depending between your highness and our dearly beloved daughter in Christ, Catherine queen of England, of and concerning your Marriage Contract; We, at the earnest request of your ambassadors, committed the said Cause to be determined by our beloved sons, Thomas lord bishop, and cardinal *Sanctæ Ceciliæ*, and Laurence cardinal *Sanctæ Mariæ* in transtiberim our legats *de latere* from the apostolical See, in which Cause perhaps some process has been made; since which at the instance of our most dear son in Christ, Charles most Catholick king of Spain, and elected emperor, and his most Catholick queen, as well as for some other reasons us thereunto moving, we ordered the said cause to be brought before our ownselves, and reserved the determination and decision thereof to ourselves, and the sacred college of our most venerable brethren their eminences the Cardinals; on which account perhaps an Inhibition has been given. Now whereas we have heard that this Inhibition has been executed, and that therein are mentioned several Censures and Penalties; we whose intention it never was, nor is to subject your highness's person, who have so well deserved of us, and of the apostolical See, to any censures or penalties whatsoever; do hereby signifie to your highness, that those censures were inserted into the said Inhibition by our judge or commissary without our knowledge, and contrary to our inclination: which Censures therefore, and penalties so far as they may concern your own person, we do hereby rescind, declaring them to be null, of no power, efficacy or validity. As for the Cause itself, we will that it be suspended till Christmas-day next ensuing, and it is by these presents till then suspended. And herein we have done all that we could with a safe conscience, in favour and affection to your highness, that as we are assured that you have for conscience sake propounded your case, you may have time duly and carefully to consider an affair of so great moment and importance as this is, and thereby settle it, without the vexation and trouble which suits of law ingender and produce, to the great comfort and quiet of your mind; wherein you shall never fail of our aid and assistance: In the mean time, we do exhort your majesty in the Lord, that for the sake of conscience, you would not leave the queen, but till these things shall be determined, comfort and cherish her with the love and affection of an husband, as we trust your highness of your great piety and goodness will do. Given at Rome Aug. 29, 1529, in the sixth year of our Pontificat."

Before yet these Breves were sent, the Pope wisely considering that by the diligence of our agents not only the first Minutes of them were sent to England, but also that his Treaty with the emperor was more notorious than that it could be hidden, thought fit to advertise our cardinal, That the League betwixt him and the emperor was made *pro temporum ratione & rerum Christianarum utilitate;* exhorting him therefore to do him good offices with the king, which also he explicated in another dispatch, Sept. 23, wishing that aid might be sent against the Turk. All which being contrary to the king's present designs, could not upon what terms soever be represented without much offence, and ill conceit of cardinal Woolsey. The king believing that underhand he held intelligence with the Pope, to the prejudice of

his affairs. Which Polydore also affirmeth; saying, that he writ privately to the Pope to suspend the Cause, till they could bring the king to some better temper. This also I believe was confirmed in the king's mind, by some notice he might have of a joint dispatch (a Minute whereof is extant in our Records) from Woolsey and Campejus, during their session, whereby they desired the Pope to avoke the Cause, in case it grew so doubtful that they could not determine it; both as they would be free from the trouble and danger, and as they conceived, he might better help the king *ex plenitudine potestatis;* who perchance, as they said, would be content therewith, if the Pope would promise to end the matter, shortly afterwards to his satisfaction.

Our king, who at the first prorogation of the Sentence, by reason of the *Feriæ Vindemiarum*, hoped yet, that at least, Oct. 1st, when the Court was appointed to sit again, he might have the Cause determined, seeing now all proceeding in England inhibited, the cause avocated to Rome, Campejus recalled; and finally finding, by many dispatches, that the pope and emperor had appointed shortly to meet at Bononia, was much troubled; and the rather, for that the two cardinals proceeding hitherunto had been little more than illusion; whereupon also he became much incensed against them. Yet containing a while his anger, he neither altered his fashion to Woolsey, nor declared any dislike of Campejus: insomuch, that he calmly gave him leave to depart. So that no argument of suspicion or dislike appeared hitherunto on either side: Campejus thus dismist and rewarded, was conducted honourably to the seaside, where he expected only a fair wind. But when he came to take ship, the searchers, upon pretence he carried either money or letters from England to Rome, ransacked all his coffers, bags and papers; not without hope, certainly, to recover that Decretal Bull our king so much longed for. I find also (by some relation) that divers love-letters betwixt our king and mistress Bolen, being conveyed out of the king's cabinet, were sought for, though in vain, they having been formerly sent to Rome. Which usage so offended Campejus, that he complained immediately to our king; protesting 'he would not proceed in his journey till he had reparation for the wrongs done to his person and dignity; that the people were satisfied concerning certain scandalous rumours, which he heard were scattered abroad to the prejudice of cardinal Woolsey and himself. But our king by his Letter of Oct. 22nd answered, That it must not be expected from him, *præstare, quicquid vel vulgi temeritas effutire, vel quorundam nimium fortasse scrupulosa & anxia sedulitas designare solent.* As for the *jus legati* pretended to be violated, our king answered, 'That he conceived, it was expired, not only as it was revoked by the Pope's late Inhibition, but particularly by the interposition of his own regal authority, which alone his subjects did acknowledge.' Adding moreover, 'That he wondered somewhat that Campejus understood our law so little, as not to fear how he usurped after that time the name of a legat in this kingdom; since he, having been made bishop here of Salisbury, was bound by oath to the conservation of the royal prerogative. As for the searchers doings, it was a mistake; the commandment having been given long since, when there was just occasion for it, and not in relation to his particular, who therefore he was sorry to have been so roughly used; desiring the cardinal, for the rest, to excuse the said searchers, since they are bound thereto by oath. So that he ought not to pretend this as a cause of his stay. As for the other part, which was the rumour, our king said, It was uncertain from whence it came; notwithstanding that it was (though not altogether fixed in his breast, yet) so generally received and believed in his kingdom, that it would be hard to remove that opinion: in which regard also, it was in vain for him to stay here so much as one hour. Howsoever; that he might make this use of it, as to know how ill his subjects took this frustration of the business. But as his royal care should be to prevent the inconveniences might follow hereof, so that it belonged to Campejus's wisdom to continue those good intentions he had made shew of. For we (saith the king) *tunc demum dubitare poterimus, cum ipse factis palam diversum ostenderis.*—Campejus being now more than once licensed, thought it time to be gone; so that, coming at last to the Pope he acquainted him with all the proceedings.

Our king considering that Francis being now disengaged, might more freely declare himself, did (by a particular Message) not only make known the little hope he had of the Pope's favour in his particular business, but desired that king's assistance, for obtaining the resolution of the Universities and Learned Men in his kingdom concerning the lawfulness of his Marriage; for which purpose he induced Guillaume de Bellay (sent by Francis to him in the beginning of this year) to co-operate with them, as also those of Italy and Germany, not omitting together to employ at Paris, his kinsman and beneficiary Reginald Pole, with sir Francis Bryan, and Edward Fox, master William Paget (after) being sent to Orleans and Tholouse, and Francis together readily promising his assistance. And because our king had many agents about this time employed in Italy, as namely doctor Rd. Croke, (a man excellent in the Greek tongue) at Padua; Hierome de Ghinucci, bishop of Worcester, and Gregory Casalis, at Rome; doctor Stokesley at Venice, Thomas Cranmer (afterwards abp. of Canterbury) Andreas and Johannes Casalis, and Previdellus, he had enough to do; while sometimes he laboured to reconcile, and sometimes again to make use of their various advertisements. Stokesley writ a Letter (dated June 13,) that he had gotten the Opinions of the University of Bononia; and that more would have concurred, had not the Pope contradicted.

Croke said, the pope and emperor threatened all that subscribed in favour of the king's Cause. He writes also that the emperor's ambassador in Padua, challenged one frier Thomas, for favouring the king's cause, and told him, if this conclusion should take effect, many of the greatest princes of Christendom should be disherited, or taken as illegitimate; accounting in those as well the emperor, as the king of Portugal. Notwithstanding which, he had gotten 80 principal mens hands a good while since, and had obtained 30 more, which yet by their means were burnt. By a Letter also of Crokes, Aug. 24, it appears, that the emperor laboured with the State of Venice, to oppose the king in his demand. Furthermore he protested none would take money (lawyers only excepted) for delivering their Opinions, though he forced sometimes a small reward on them when they had done. Which particular Dr. Stokesley (in a Dispatch Sept. 23, 1530) did confirm; saying it was their manner both in Padua and Bononia to refuse money with these words, *Quod à Spiritu Sancto gratis accepimus, gratis & libenter impertimur.* Moreover Croke by a Letter, Aug. 31, 1530, said, *Cæsar minis, precibus, pretio, & sacerdotiis, partim territat nostros, partim confirmat suos:* certifying our king further, that Andreas Casalis and Previdellus did reveal his highness secrets to the Cesarians: in conclusion I find that many would have given their opinion in favour of the Divorce, if they durst. So that though the king's agents did now and then differ in some points, they all yet agreed that most of the Learned Men in those parts would have favoured the king in the point of his Divorce, had not the pope and emperor oppugned it. Croke adds further, that the emperor got some hands in Mantua for money, but they were of the meaner sort. Whereas 29 doctors in that place had freely subscribed on his highness part. Now, as Gregory Casalis seemed among all his highness agents, at this time, the most industrious, so he solicited the Pope continually on our king's behalf, not neglecting also the Cesarians, to whom he gave, and from whom he received that intelligence, as he made advantage of all. By which dangerous and suspected wisdom yet he prevailed so far, that at length he had authority, as it seems, to write this following Dispatch, which I have caused faithfully to be transcribed out of the original.

"Most serene and most powerful lord, and my most gracious sovereign, to whom all health and happiness, and the most humble acknowledgments of my duty and affection. Some days agoe the Pope in private offered to me this Proposal, as a thing of which he made much account, that your majesty might have a Dispensation to have two wives; to whom I answered, that I was very unwilling to take upon me to write to your majesty to know your majesties pleasure herein, because that I did not know whether this proposal would satisfie your conscience, the ease and quiet whereof, was what your majesty does only aim at. The reason why I gave this for Answer, was, that in a certain place, from whence I have information of the designs and contrivances of the Cesarians, I have certain intelligence and undoubted knowledge, that this proposal was started, and is promoted by the Cesarians; but what their aim and design herein should be, I dare not certainly affirm, and therefore leave that wholly to your highnesses great prudence and consideration. And though I told his holiness, that I could not venture to write to your majesty herein, yet was I unwilling to keep this from your majesties knowledge, that it may appear, that no care or industry is wanting in me to execute your majesties commands, or promote your services. I have done all which I have been able with one of Ancona, with whom I have great intimacy. As to all which I refer to the common letters. May God preserve your majesties health. Rome Sept. 18, 1530. Your most excellent majesties most obedient servant, GREGORY CASALIS."

How this Letter was believed or accepted yet, doth not appear to me; so that although Melancthon is said to have concurred in some such opinion, no effect followed thereof. For I find, that at this very time, king Henry, jealous of the queen's, or (as our Historians say) of Woolsey's procuring Bulls against him, set forth this Proclamation, Sept. 19.

"The king's highness streightly chargeth and commandeth, that no manner of person of what estate, degree, or condition soever he or they be of, do purchase or attempt to purchase from the court of Rome or elsewhere, nor use and put in execution, divulge or publish any thing heretofore within this year passed, purchased, or to be purchased hereafter, containing matter prejudicial to the high authority, jurisdiction and prerogative royal of this his said realm, or to the let, hindrance, or impeachment of his graces noble and virtuous intended purposes in the premisses; upon pain of incurring his highness indignation, and imprisonment, and farther punishment of their bodies, for their so doing, at his graces pleasure, to the dreadful example of all other."

Declaration of the House of Lords to the Pope.

Thus did the king begin to shake off the Romish yoke; to which he was much animated by the concurrence of his subjects in Parliament, both spiritual and temporal, who (as it appears by our records) in July this year under their hands and seals sent a Declaration to the Pope. The tenor whereof is this;

"To the most holy lord, our lord and father in Christ Clement, by the Divine providence the seventh pope of that name, we wish and pray for perpetual felicity in our Lord Jesus Christ, with all humility throwing our selves at his feet. Most blessed father, although the Cause concerning the Marriage of the most invincible prince our sovereign lord the king of England and France, defender of the faith, and lord of Ireland, does for sundry great, and

weighty reasons of itself, require and demand your holinesses assistance, that it may be brought to that speedy end and determination, which we with so great and earnest desires have wished, and with so very great, though very vain expectations have long looked for from your holiness: we could not nevertheless prevail with our selves to keep silence herein any longer, especially since our kingdom and the affairs thereof suffer so much, and are brought into so great danger through the unseasonable delay of Sentence herein: so that since his majesty our head, and by consequence the life of us all, and we in his words, as subject members, by a just union annexed to the head, have with great earnestness prayed your holiness, but prayed in vain, we are by the greatness of our grief, forced separately and distinctly by these our Letters, most humbly to intreat your speedy determination hereof. Be justice of the cause it self, approved of by the Opinions of the most Learned Men every where, and determined by the Decrees of the most famous Universities in the world, and esteemed and judged most righteous by all persons either in England, France, or Italy, who are most eminent for their learning, might so far prevail, as that your holiness, though no body entreated it, nay, though some opposed it, should with your own voice and authority, confirm that Sentence which has so universally been pronounced just, especially when your determination of this Cause is a piece of justice done to that king and kingdom, which upon so many several accounts have deserved well of the Apostolical See; although entreaties to you herein seem not to be necessary, however we make them, as persons overborn with troubles, who indulge their grief, and frequently pour forth repeated and unnecessary prayers. But since your holiness is not to be prevailed upon, either by the justice of the Cause, the remembrance of the good services you have always found, or by the earnest and continued requests of the best of princes, to do that which might be expected from your paternal love and affection alone, our grief is by the remembrance of our miseries and calamities encreased to that immense degree, that it overspreads the whole body of the realm, and gives a voice of complaint to each member of it, forcing them both by their words, and in their letters, to lay before your holiness this their insupportable grievance. For how great a misfortune is it, that what our own two Universities, the University of Paris, as well as many other in France, what almost all men of learning, knowledge and integrity, both at home and abroad have determined and affirmed to be true, and the truth of which they are ready to defend and support both in their discourses and writings; yet cannot a confirmation of this so universally acknowledged a truth be obtained from the holy apostolical see by that prince, by whose support and assistance that see still keeps and preserves its authority, which has been shaken and undermined by so many, and so powerful adversaries, till he withstood and opposed their designs, partly by his sword, partly by his pen, at other times by his commands and authority, supporting that power and authority of the church from whence others are enabled to obtain those mighty advantages from which he now finds himself only excluded. What answer can be made hereto we see not, and yet we see that from hence a flood of miseries is flowing in upon the commonwealth, and a sort of deluge of calamities overwhelming us, from the disputes about Succession, which will soon overtake us, never to be settled without infinite slaughter and effusion of blood. We now have a king most eminent for his virtues, seated upon the throne of his ancestors, by right undoubted and unquestionable, who would entail lasting peace, and uninterrupted tranquillity on his realms, if he leaves a son to succeed him from lawful and true Marriage, nor will that be possible, unless your holiness will by your authority, pronounce the same Sentence concerning his former Marriage, which so many Learned Men have already delivered. But if your holiness, whom we justly call our Father, shall by refusing to comply herein, esteem us as cast-aways, and resolve to leave us orphans; we can make no other construction of it, but that the care of ourselves is committed to our own hands, and that we are left to seek our remedy elsewhere. But that we may never be driven to these extremities, we beg your holiness, without delay, or farther loss of time, to assist these his majesty's most just and reasonable desires, we most earnestly intreat a confirmation of the judgment of these most Learned Men, humbly imploring, that for the sake of that mutual love, and that paternal affection which your pastoral office requires you to shew us, not to shut up your bowels of pity and compassion against us, your most dutiful, most loving, most obedient sons. The Case of his most sacred majesty, is the case of us all, since the head cannot suffer but the members must bear a part, the grief arising herefrom, and the injury suffered hereby does equally affect us, who bear our proportion of all his majesties afflictions; the remedy of which, as it must proceed wholly from your holiness's power so is it a duty necessarily arising from your paternal authority and affection: Which remedy, if your holiness shall refuse or delay to grant, our condition will indeed herein be more miserable, that so long we have fruitlessly and in vain sought redress, but it will not be wholly desperate, since it is possible to find relief some other way. Desperate remedies indeed are not without extremity to be applied; but he that is sick, will by any means get rid of his distemper; in the change of our miseries there is some comfort, when if we cannot obtain perfect relief, yet we may change our condition for that which is less afflicting and more tolerable. That your holiness would be pleased to take these things into your most serious consideration, we do again and again beseech you, for our lord Jesus Christ's sake, whose vicar on earth you stile yourself,

and that you would now conform your actions to that title by pronouncing your sentence to the glory and praise of God, and thereby giving your testimony and sanction to that truth which has been examined, approved, and after much deliberation confirmed by the most Learned Men of all nations. In the mean time we will beseech God, whom we infallibly know to be truth, that he would vouchsafe so to inform and direct your holiness's deliberations, herein, that having by your holiness's authority, a confirmation of what is just, righteous and true, we may therein rest satisfied, and be free from the trouble of seeking to attain this end by other means. (Signed) Archbishops; T. Cardinalis Ebor, Willielmus Can.—Dukes; Tho. Norfolk, Char. Suffolk.—Marquesses; T. Dorset, H. Exeter.—Earls; W. Arundel, Jo. Oxenford, H. Northumberland, Rauf. Westmerland, Geo. Shrewsbury, Hen. Essex, Edw. Derby, H. Worcester, Tho. Rutland, Hen. Cumberland, Robert Sussex, Geo. Huntington, G. of Kildare,—Bishops; Robert Cicestrens. Joh. Carliolens. Joh. Lincoln, Rich. Menevensis.—Barons; Hen. Montague, G. Rochford, W. Weston, E. Abergavenny, J. Audley, Hen. Scroope, Tho. Dacres, Tho. La-Ware, W. Dacre, Tho. Barkley, Hen. Morley, Geo. Cobham, Rich. Latimer, Edw. Stourton, Jo. Fitzwarren, Jo. Semers, Jo. Lumley, W. Mountjoy, Chris. Coniers, Hen. Daubeny, T. Darcy, T. Montegle, W. Sandys, Jo. Husey, Andr. Windsor.—Abbots; Jo. of Westminster, Jo. of Bury St. Edmund, Rich. Glaston, Will. Gloucester, Tho. of Abendon, Hugh of Reading, Edw. of York, Jo. of Peterburgh, Jo. of Ramsey, Jo. of Croyland, Ro. of Thorney, Ro. of Selby, W. abbot of Bardney, W. abbot of St. Benet de Hulmo, Tho. ab. of St. John by Colchester, Jo. ab. of Hyde, Clem. ab. of Evesham, Ric. ab. of Malmsbury, Ric. ab. of Winchelcomb, Rob. ab. St Crucis de Waltham, Jo. ab. of Circester, Hen. abbot of Teuxbury.—Knights and Doctors in parliament; W. Fitz-William, Hen. Guildford, Steph. Gardiner, Jo. Gage, W. Kingston, Bryan Tuke, Rich. Sacheverell. Rich. Sampson, Edw. Lee, Rich. Woolman, Jo. Bettat."

"To our Venerable Brethren the archbishops and bishops, and to our beloved sons the abbots, noblemen, dukes, marquisses, earls, barons, knights and doctors assembled together in Parliament in England: Clement VII. Pope. Venerable brothers and beloved sons, health be to you, and apostolical benediction! There are many expressions in your Letter, bearing date July 13, which we received some days ago, which we could not have thought well of, did we not wholly impute them to the great duty and tender affection which you bear to our most dear son in Christ your king. We shall therefore without taking these things amiss, sedately answer your Letter, that you may thereby learn with how little reason you have complained of us, and that your private duty and affection to your king, ought not to extend so far, as to justify your excusing us of two grievous offences, ingratitude to his highness, and denial of justice. We do acknowledge that your king has deserved all that your Letter mentions, nay, even much more, that the remembrance of his many meritorious actions towards the Apostolical See, will not only live fresh in our memories, but be transmitted down to late posterity. We cannot but own likewise, that not only with respect to our office and character in the Church, but also in our own private person, we owe so much to his highness's affection, as we shall scarce ever be able sufficiently to recompence. As to what relates to the controversy concerning the Marriage between his highness and queen Catherine, we have been so far from disappointing the king's expectation therein by denying him justice, that we have even lain under the censure of the other party, and have been thought partial, and too much inclined to favour his majesty's desires herein. But to give a more undeniable proof of our constant affection to your king, it will be necessary to mention what has some time since passed: When first, about three years since, his majesty's ambassadors laid this Cause before us, rather seeking redress herein from our affection and kindness to his highness, than from the rigorous course of justice, we committed it to the determination of our beloved sons, Thomas abp. of York our legate in England, cardinal *Sancæ Cæciliæ*, and Laurence Campejus, cardinal *Sanctæ Mariæ transtiberim* our legate *de latere*, who were both in your kingdom, and upon the spot to examine into the matter; whereby, as far as we were able, we satisfied his highness's desires. But when the queen began to suspect them as partial judges, and on the account of some grievances she had imposed on her by the said legates, had appealed from them to the Apostolical Tribunal, and had on her part appointed proctors to prosecute the said Appeal at Rome, even then our great inclination to his majesty's service was sufficiently evidenced. For although we could not in this Cause deny the queen a Commission of Appeal, yet seeking rather that this controversy might be finished by the agreeable methods of peace and concord, than by course of law, we framed several delays in granting our Commission of Appeal in the said Cause, under pretence that this being a cause of the highest nature, must therefore be brought before the Consistory. After this we held frequent consultation with our most venerable brethren their Eminences the Cardinals, whereby this affair was still farther put off; till at length by the unanimous vote of all the Cardinals it was concluded, that a Commission of Appeal in this Cause could not be refused. It was therefore appointed to be examined, heard, and in the said Consistory, by us to be finally determined. For as in all cases we ought to proceed with the greatest caution, so ought we more especially to do in that which concerns the majesties of kings and queens, on which we see the eyes of all the Christian world placed. Since which no law-

ful proctor has appeared on the king's part, to set forth his majesty's pretensions either in writing, or by word of mouth, from whence it is that this Cause could not yet receive its determination. Since it must be decided according to what is alledged, and by witnesses proved; not according to favour and affection. There is therefore no reason why this deferring our sentence of determination, of which you complain, should be ascribed to us, and your complaint herein seems to us the more strange, because his majesty's ambassadors in several places, particularly at Bononia, did request and solicit this delay of Sentence from us, contrary to the inclination and demand of the queen's proctors herein. Since therefore we have no ways occasioned these delays, or hindred this Cause from being determined, after mature examination, and due consideration of all the circumstances of it, we see not on what reasons these your complaints are grounded; unless you will venture to say, that the services which his majesty has shewn us, and the Apostolical See, are such, that the Cause should be determined in his favour, without regard had either to right or justice; for that must be the meaning of your words, when you say that Sentence ought to be given by us, though nobody entreated it, nay, though some opposed it in this case, which has been adjudged just by all the Learned in England, France and Italy, and by the Decrees of so many Universities: which words to us seem not to proceed from your usual prudence and modesty; since we see not with what reason you can desire, that we should in a cause of the greatest moment give Sentence, though none entreated it, nay, though some opposed it; when on the other side is alledged the great scandal and offence that all Christians would take, at a Sentence of Divorce from a Marriage which has continued so many years, which was contracted by Dispensation from the Holy See, at the request of his most excellent majesty Henry 7, and the most Catholick king Ferdinand; from whence the queen has had so many children born, and still has a daughter living; contrary to the opinion of several doctors (which you urge also on your behalf) and those very learned and grave men, and who confirm their judgment both by the laws of God, and by arguments taken not only from the Latins, but likewise derived from the Jewish law: Notwithstanding all which, we kept ourselves unbiassed, inclined to favour neither side, but to hear both, looking on this most extraordinary Cause, not only to concern the whole Christian world, but also to belong to all posterity. As for the opinions of Learned Men, and the Decrees of Universities which you mention, few of them have come to our notice, shewn us not in proper form by your ambassadors, nor in the name of the king exhibited, and those were but bare opinions of those men, alledging no reasons for their Determinations, nor supporting them by any authority from Scripture, or the Canons, which herein ought only to prevail. Wherefore, to demand that we should rashly, and without due consideration, determine any thing herein in his majesty's favour, is a thing neither righteous in itself, nor agreeable to your wisdom. For although we owe much to his highness, yet in executing Judgment we must necessarily much more regard him, 'by whom Kings reign and Princes decree Justice;' and further, it is the duty of a good Father, to take care that by over fondness, he do not too much indulge his children: besides, we should not only entangle our own, but also his highness's conscience, by such an hasty and inconsiderate Sentence, which if thus unduly given, would by its dangerous example, greatly damage the whole Christian world. As for that deluge of calamities, which you fear is impending over your kingdom, sure it were much more to be feared, if we should rashly hasten that Sentence which ought calmly to proceed in the strait way of justice and reason, thereby violating both our own duty, and departing from the rules of justice through too great favour and affection to your king; you cannot with more earnest desires wish his majesty a son, than we do, and that not only his highness, but all Christian princes had sons like so great a king, the inheritors not only of their realms, but of such princely virtues, but we are not in the stead of God, that we can give children. As to what you say, that we were unwilling to confirm by our authority, a truth concerning the former Marriage, which by so many Learned Men in the kingdom is agreed upon; we are truly willing to gratify his highness in all things wherein we are able by our authority, but then our ability cannot extend to those things which will destroy that authority, as it would if we should judicially give sentence contrary to the usual methods and due course of law in any thing, though it might appear never so plain and manifest to us. As for what you mention in the end of your Letter, that unless we grant your request herein, you shall imagine that the care of yourselves is remitted into your own hands, and that you are left at liberty to seek remedy herein elsewhere; this is a resolution neither worthy of your prudence, nor becoming your Christianity; and we do therefore of our fatherly love, exhort you to abstain from any such rash attempt: though it would be no fault of the physician, if the patient weary of his distemper, should rashly and unadvisedly venture upon measures destructive to his health; we indeed never denyed you such remedies as might with safety be given, and with advantage received; 'for who is weak, and I am not weak, who is offended, and I burn not?' I write not these things to shame you, but as my beloved sons I warn you. We cannot imagine that his majesty, on whose account you write, can approve your writing in this manner; for we know, and are so fully acquainted with his honour and integrity, that we are assured he would not accept of any thing that is unjust, although it were offered him; and although your intercession is in all cases of great power

and prevalence with us, yet is our love and affection to his highness such, as to need neither the entreaty nor solicitation of any persons whatever, to influence or quicken it; and as we never remember that his highness has ever yet made his request to us, and received a denial, where it could be granted with safety to our own, and the honour of the Apostolical See, so we shall always shew him the same regard and good will. Lastly, as to the present Cause, we shall give no hindrance or delay to its decision, so that when it is ready for Examination, and all the circumstances of it have been heard, it shall be brought to a speedy determination, and final conclusion; being earnestly desirous to free your king and queen, and our ownselves from this most troublesome affair. But this we must desire of his highness, and of your goodness, that you would not require more from us, by reason of his majesty's great deservings of us, than we can without offending God perform; and then you may assure yourselves of all the good offices which can be expected from us, considering the person and office we bear, and the justice we are indispensably bound to administer. Given at St. Peter's, Rome, under the Seal of the Fisherman, Sept. 27, 1530, in the 7th year of our Pontificat."

The Chancellor's Speech to the Commons respecting the Divorce.

The former proceedings of king Henry, being advertised to the Pope, made him fear a total defection in our king. Insomuch, that at Rome they studied nothing more than how to retain him in his ancient devotion: some arguments whereof have been formerly mentioned. To the furthering of which intention also it did not a little conduce, that he had taken some distaste against the emperor: who, being desired to appoint certain judges to determine all differences betwixt him and the duke of Ferrara, concerning Modena and Reggio, chose such as sentenced on the duke's behalf; which so incensed the Pope that he fell off from the emperor. For which reason also it is probable, that our king might have closed with him, and received some satisfaction in the affair of the Divorce, had not his Parliament, at this time, as is above-said, concurred to the setting up of the regal authority in ecclesiastical affairs. To whom therefore he thought fit to communicate what his agents in Italy and other places had done, concerning that so much controverted point of the lawfulness of his Marriage. Whereupon, the parliament yet sitting, the lord chancellor, accompanied with Dr. Stokesley bishop of London, and divers other lords spiritual and temporal, came into the Lower-House, 31st March 1531, and told them; "That they could not be ignorant, how the king, having married his brother's wife, was troubled in conscience, and therefore had sent to the most learned Universities in Christendom, to be resolved in that point: and namely had employed the bishop of London there present, for this purpose. Not, yet, but that his own Universities of Oxford and Cambridge could have sufficiently decided the point, but that he might the more amply satisfy himself and the world." Whereupon sir Bryan Tuke was commanded to take out, and read the Determinations of the Universities of Paris, Orleans, Angiers, Bourges in Berry, and Tholouse in France, and of Bononia and Padua, in Italy, who all agreed in declaring the Marriage unlawful. After which, above a hundred Books of several doctors, (whereof Dr. Cranmer was one) confirming the same Opinion, were exhibited. The perusing of which yet (the day being far spent) was referred to a further time. As also the Resolution of our two Universities (brought after the rest to our king) which because Sanders calls in a sort surreptitious, I shall relate out of some Original pieces which I have seen.

To the University of Oxford, the bishop of Lincoln was employed, where, neither easily, nor by general vote, there past this Decree, April 4, 1530.

"We John Cotisford, commissary of the University of Oxford, by the authority, and with the consent of the whole venerable Convocation, do declare, determine and adjudge, that the major part of all the doctors, masters, as well regents as non-regents of all faculties in this famous University, have agreed and given their consent and assent, that the Determination, Resolution, and final Answer to the Question lately propounded to us by his most excellent majesty the king, which shall be given by the 33 doctors and bachelors in the faculty of divinity, chosen for that purpose, or by the major part of them, be esteemed and accounted the Determination, Resolution, and final Answer of this whole University, and therefore that it may be lawful for the commissary and the proctors to affix the common seal of the University to the Decree, which shall be made in pursuance to their said Determination."

Which Copy, though blurred (upon what occasion I know not, for it is not probable it should be intended to the king in that manner) was dispatcht the day following, as the Act of the University, by the bishop of Lincoln. As for the University of Cambridge, I find Stephen Gardiner, and Edward Fox were employed; where, notwithstanding the king's Letters, and the diligence used on their part, not a few difficulties did occur. Insomuch that it was first denyed, then the voices on both sides were brought even, and at last, (some absenting themselves) it was agreed, that the question should be disputed by 28 delegates, and that two parts of three should determine it; which accordingly was done in favour of the king, by the vice-chancellor, and the two proctors, ten doctors, and fifteen others, whose names are extant in the same Record. Which averseness, more than in foreign Universities, whether it should be attributed to the power of the Pope in England, or to their particular scrupulosity of conscience, is more than I will

determine; though, on this occasion, I can do no less, that repeat some arguments drawn (in favour of the Divorce) out of our Records. 1. The place in Leviticus, chap. xviii. vers. 16. 'Thou shalt not uncover the nakedness of thy brother's wife.' 2, St. Basil's Opinion, tending this way, where he saith, 'that he shall be excommunicated that marrieth his wife's sister.' 3, Because two Epistles, transcribed out of the Pope's Registers, and sent into England by Dr. Stokesly (whereof one was of Gregory, the other of Innocent the 3rd) do profess, that the Pope cannot dispense against the law of God, the particular case being then a Marriage. 4, That granting the Pope can dispence, *ex urgentissima causa*, with that which is *ex jure divino*, (which yet divines for the most part deny) there was no occasion here, since the peace betwixt England and Spain, which was taken as the ground of the Breve) stood firm and intire. Lastly, that the Jews themselves (for our agents consulted with them also) did not hold the law of marrying the brother's wife, (Deut. 25.) as necessary in this time, but did often *pati discalceationem*. All which being maturely considered by the Lower-House, made them detest the Marriage, as our Historians have it. Whereupon the king thought fit also to prorogue the parliament, to the intent that every man repairing home, might satisfy his neighbour of these passages; not omitting, together, to cause these foreign Determinations, to be printed and published this year, as the Book yet extant in print shews. Notwithstanding which, so far was the king from remitting any thing of his gentle behaviour to the queen, that, had he not forborn to come to her bed, neither could his outward favour towards her, or her fashions towards him, have argued any diminution of love; all those wonted ceremonies by which they sustained the dignity of their place, and civilities which might imply a mutual respect, continuing firmly on either side. Which our historians amplify so far, that they say he sore lamented his chance, and made no manner of mirth or pastime as he was wont to do; without yet that they can be thought to speak improbably, when we consider both how dear this liberty cost him, and how much it endangered the Succession. However, that he might both prevail himself of the occasion, and also satisfy the doubts he had raised, not in his own alone, but subjects breasts, he sent to queen Catherine some lords of his council, wishing them to acquaint her with these Determinations (which also I find had been shewed the Pope,) and together to demand of her for quieting the king's conscience, and ending this business, whether she would rather refer herself to the Judgment of four spiritual, and four temporal lords in this kingdom, or stand to her Appeal. To which the sad queen answered, "That her father, before he consented to her second marriage, had taken the advice of doctors, and clerks, whose opinion she believed rather than any others; and that, the Pope having confirmed it, she wondered that any should question it. And, whereas for quieting the king's conscience, you would have me put the business to eight lords; that which I say, is, I pray God send his grace a quiet conscience. As for answer to your message; I pray you tell the king, I am his lawful wife, and so will abide, till the court of Rome determine to the contrary." But our king, who alledged his proceedings were according to the law of God (which therefore he said should be more insisted on, than any other authority) sent other messengers, exhorting her still to conform herself; among whom one spake to this effect: "Madam, you cannot be ignorant how much you have provoked the king's displeasure against you, since his grace having used all fit means to clear his own, and subjects insatisfactions, concerning the lawfulness of his Marriage, you yet continue refractory in that violent manner, as you not only refuse the general Determinations of Universities, and Learned Men; but contrary to the laws of the land, and the royal dignity, have cited his highness to appear in the Court of Rome; neither have those many admonitions you have received concerning the danger and consequences hereof, been able to divert you from your purposes, or reduce you to reason and your duty. Of which therefore his highness is so sensible, that he hath forborn of late to see your grace, or receive your tokens, giving you liberty farther, to repair either to his manner of Oking, or Estamsteed, or the Monastery of Bisham; for, since you were known by his brother prince Arthur, you cannot be his lawful wife." To which the virtuous and sorrowful queen replied little more than this: "That to what place soever she removed, nothing could remove her from being the king's wife." And here the king bid her a final farewel: for, from this time, being July the 14th, I find not the king ever saw her more.

The Pope's Letter to persuade the King to take his Wife again.

And now queen Catherine by her proctor at Rome, assisted with the advice and power of the imperialists, negotiated puissantly with the Pope; so that, notwithstanding our king's indignation for her prosecuting him in this manner, she urged still the Appeal, beseeching the Pope to cite the king, by himself or proctor, to appear. But the Pope thought fit rather gently thus to exhort our king to take again his wife Catherine; which he did in the following Letter:

Clement VII. *Pope.*

"To our most dear son in Christ, &c. health and apostolical benediction. What in our tender affection towards you, for the sake of both your honour here, and your salvation hereafter, we should be glad to find false, has been reported to us, and by many hands confirmed, concerning your highness, that although not only before, but since the Controversy has been depending about the lawfulness of the Marriage Contract between yourself, and our

most dear daughter in Christ, the most excellent Catherine queen of England; you entertained the said Catherine in your palace, and lived with her as your queen and wife, as it was fitting you should do; yet now of late you have not only removed her from your person and court, but have banished her from the city, the usual place of her residence, and sent her to another place, taking in her room publicly to your bed and conversation, a certain lady Anne, with whom you cohabit, and to whom you shew that conjugal love and affection, which is only due to your wife, the said queen. Which thing, most dear son, if it be true, and you would lay aside carnal affections, and give yourself leisure to think, we doubt not but that, although we were silent herein, you would soon perceive upon how many several accounts it is unworthy your highness, either as it is a great contempt of our Judgment and Sentence, which you thus refuse to stay for, as it is a publick scandal to the Church, or as it is a manifest violation of the public peace; all which things are so contrary to the principles of a virtuous and religious prince, as we have always esteemed your highness, that though they have daily more and more been confirmed unto us, yet we have found great difficulty to believe them, as things wholly repugnant to your nature, and perfectly contrary to your usage. For what can be more unnatural to you, or less agreeable to your integrity, on one hand, both by your letters and by your ambassadors, to implore our assistance in determining your Cause, and on the other, by your actions to judge and decide it your ownself? To contemn the authority of the Church by such a proceeding, how unlike is it to the actions of him, who has so well defended by the power of the sword, and by the strength of argument, our most holy faith and the catholic Church? Surely the public peace and tranquillity have by no prince of our age, been more carefully preserved than by you, who piously undertook a war for the Church, gloriously prosecuted it, and at length for the sake of public peace and quiet desisted from it, from whence your highness has been justly esteemed the arbiter of peace and common concord among Christian princes; wherefore when we hear these strange things concerning you, it raiseth both our admiration, and encreaseth our grief, that this one action of yours, if it be true, should cast a blemish upon the glory of your former life and behaviour. Wherefore as we could not but enquire into the truth hereof more carefully, and ought not to pass by a matter of this weight with neglect, we were willing to send you this kind admonition, as of a loving and affectionate father, before we are forced to deal with you in the severer methods of an impartial judge. The high dignity of your majesty, your most deserving services to us, and our most tender love and affection to you, makes us choose to act towards you, with all respect and gentleness in the person of a kind parent, and so long lay aside our office as a Judge, till by your Letters we shall see what measures will be most proper for us to take. We wish, dear son, as we have said, that these things were false, or at least not so bad as they are represented to us; and farther, that you yourself would take such care, of your singular wisdom, that nobody may in this thing have occasion to speak ill of your highness, whose virtues have in all other your actions been so conspicuous. For if any catholic to his great grief, or any heretic to his mighty joy, should hear that you have now removed afar off from your bed and presence, your queen whom you married, the daughter of a king, the aunt of the emperor, and king of the Romans, after she had lived with you more than twenty years, and had several children by you; that you have openly taken another woman to your bed, not only without our licence and dispensation, but also contrary to our express prohibition; he cannot but in some measure make this judgment of the best of kings, that he is one that little regards the authority of the Church, and nothing values the public peace, than which we are satisfied nothing can be farther from your highness's will and intention; insomuch that should any one in your kingdom dare to do this which is reported of your highness, we surely know that you would be so far from approving, that you would most surely punish it. Wherefore, my son, as we most certainly believe that your knowledge is rightly informed herein, so ought your practice to be such, as not to give occasion to scandalous reports; especially in these dangerous times, which so abound with heresies, and other most grievous calamities, lest what you do, should grow a precedent and example for others: for the actions of princes, especially those so illustrious as your highness, are looked upon as marks and patterns whereto others may direct their aim, and whereby they may form their practice. Nor ought your highness to neglect the common safety, and overlook the peace and tranquillity of Christendom, to which the best of princes have never failed to pay, as in duty bound, a regard. Nor ought you, my son, to offer this injury to the most serene princes, the emperor and the king of the Romans, the said queen Catherine's nephews, who have never given you offence, by thus proceeding before your Cause is determined, thereby disturbing that universal peace among Christian princes, wherein alone our safety from the Turks consists; lest you give occasion of much scandal in the Church, and of great danger in the Christian world, and so provoke the Almighty so far, as to change the great blessings he has so long poured down upon you into bitterness and affliction. We therefore of our tender love and affection exhort you, and of our paternal duty, warn you, my son, that for the sake of that kind indulgence and favour which we have always shewn, and shall continue ever to shew you, unless you hinder us, that, if these things be true, that tarnish your former reputation of piety and glory, you yourself would amend them by affectionately taking again to

yourself your queen Catherine, by giving her the honour and respect due to a queen, and the tenderness and affection due to wife: and by removing the said lady Anne from your bed and conversation, so long at least till your Cause shall be determined, and we have given Sentence herein. Which, although it be no more than your duty, and what will greatly conduce to your honour, and advance your glory; yet we shall take as a great mark of your highness's respect and good will towards us. For as our most earnest desire is always to preserve in you your good esteem of us, and your customary duty and affection to the apostolical See, which in your regard and your actions, you have never failed to shew: so we cannot without the greatest grief betake ourselves to the sharper remedies of Justice; to which the indignity offered to our own person herein, which we can willingly pass by, could never prompt us, nor indeed can any thing force us to it, but the honour of Almighty God, the advancement of the public good, and the salvation of your immortal soul, as our Nuntio with you has orders more fully to acquaint your highness. Given at St Peter's under the Seal of the Fisherman, Jan. 25, 1532, in the 9th year of our Pontificat."

It is moved, in the House of Commons to petition the King to take his Wife again.

But the Pope had no good Answer thereunto; for as the people for the most part exclaimed against the match (as our Historians relate) so the king would have found perchance some difficulty to appease their scruples, when otherwise he could have satisfied his own. The queen wanted not yet those who defended her Cause publickly, both in Books and Sermons (of whom the chief were Thomas Abel, her chaplain, and John Fisher, bishop of Rochester) and privately in discourse, (especially women) though not sufficiently either to clear all objections, or to remove the king from his affection to Mrs. Anne Bolen. Among which I must not forget one Temse, of the Lower House of Parliament, who motioned that they all should Petition the king to take his queen again; which being advertised to our king, he sent for Thomas Audley, the Speaker of the House, and told him to this effect: "That he marvelled any among them should meddle in businesses which could not properly be determined there. As for this particular, that it concerned his soul so much, that he many times wished the Marriage had been good, but since the Doctors of the Universities had generally declared it unlawful, he could do no less than abstain from her company. Which therefore he wished them to take as the true reason, without imputing it to any wanton appetite: since, being in the one and fortieth year of his age, it might be justly presumed such motions were not so quick in him. All which, that they might the better understand, he had informed himself in all parts of Christendom, concerning strange Marriages; and that, saving in Spain and Portugal, he could never find that any man had so much as married two sisters, if the first were carnally known. But for the brother to marry the brother's wife was so abhorred among all nations, that he never heard any Christian so did but himself; and therefore wished them to believe that his conscience was troubled."

While these things thus passed, king Henry commands his agents at Rome, (the bishop of Worcester and sir Gregory Casalis) to present unto the Pope the Opinion of divers famous lawyers, in favour of his Cause; procuring also learned men from all parts of Italy, to come to Rome, to offer disputation for the same. To second this again, king Henry in Jan. 1532, sends William Bennet, doctor of law, to Rome, with instructions to this purpose. But because it was found, that, by the continual intercession of the queen and emperor, the Pope intended shortly to cite the king to appear at Rome, either in person or by proxy; he dispatches thither about February, Edward Karne, doctor of law, to be his excusator; and to remonstrate, that his grace is not bound by law so to appear. But the Pope making difficulty to admit this excusator, it was disputed in the Consistory, whether he ought to be heard or no? But much time being spent herein, the queen's agents require the Pope to proceed in the principal Cause. In the meanwhile our king, by sir Francis Bryan, importunes Francis to intercede for him with the Pope; who, thereupon by Letter, dated March 16, informs his holiness, 'that the request of the king of England is just, and he ought to relieve him. Or else they two (being *une mesme chose*, and who have so well deserved of him) shall be forced to seek such other remedies, as shall not please him,' &c. To enforce this most earnest Letter, Francis sends Gabriel de Grammont, bishop of Tarbe, lately made cardinal, to the Pope, who yet, being continually urged by the Imperialists to proceed against the king, and hearing besides, first, the Prohibition of Annates above mentioned, and afterwards that a certain priest was committed for maintaining the papal authority, and that another priest (being put in prison by the abp. of Canterbury for favouring Luther) after he had appealed to the king *tanquam Dominum Supremum*, was set at liberty, proceeds to Citation; and calling a Consistory, July 8, commits the hearing of the Cause to Paulus de Capisucci, dean of the Ruota, and appoints the month of October 1532, for the king's appearance, protesting *alioqui procedetur*, &c. In the mean time, he writes to our king, certifying him what was done, yet omitting the Clause of *alioqui procedetur*, intreating him further to send a proctor; making also this overture to our agents, that he will be content that all the process shall be in England, except only the final decision, which, because there is question of the papal authority and the law divine, he will reserve to himself. The term prefixed for our king's appearance being expired, Capisucci cites our king again, or his proctors, or finally his orators. To all which Edward Karne an-

swered publickly, Nov. 14, 1532, That the Proceeding was undue, both as the question concerning his Excusation was not decided, and that he could not get a copy of the Citation; and finally as it was not congruous to the Breve sent to the king concerning this business. Besides, that the emperor was so powerful in Rome, that he could not expect justice, wherefore, unless they desisted, he declared, that he must appeal from thence to the able men in some indifferent universities. And that, if this were refused, he protested then a nullity in all that they did. But the Pope, as little regarding this, goes to Bononia shortly after, to meet the emperor, according to an agreement made a good while since betwixt them; promising our agents yet, that notwithstanding the queen's proctor's solicitation, nothing of moment should be done in this Cause, till the emperor were departed.—Our king finding he could obtain no satisfaction from the Pope, hastens the League with Francis, formerly projected, to a conclusion; and the rather, that he heard this meeting betwixt the Pope and the emperor would shortly follow.

The king finding that the emperor, who seemed a while to desist from the eager prosecution of his aunt's cause, was now more vehement than ever; sends Instructions to his agents at Rome, to protest in his name, that he was not bound either in his own person, or by his proctor, to appear there, urging for this purpose, the Determination of some universities, and particularly of Orleans and Paris. Notwithstanding which, he permitted doctor Bennet to make (as of himself) divers motions to the Pope, the principal whereof in our Records I find these. First, that seeing by the Opinion of lawyers, and the Council of Nice, the matter ought to be decided *in partibus;* and that by the laws of England the determination (it concerning the Succession) cannot elsewhere be made; it would please his holiness that the abp. of Canterbury taking to him two eminent bishops or abbots, or the whole clergy of his province, should decide the same. But this being dislik'd by the pope, Bennet secondly propos'd, whether he would refer the determination to sir Tho. More, or the bishop of London, to be nominate by the king, and let the queen or emperor name another, and the French king the third, and let the abp. of Canterbury be the fourth. But this also being rejected, Bennet came, it seems, to the last degree of the Instructions, which was, that if the Cause might be heard in England, and that the queen refused the Sentence, she should have the benefit of her Appeal before three judges, one of England, one of France, and the third from the Pope, who also should discuss the matter in some indifferent place. But the Pope allowed not this, saying, 'Since he saw the king would needs conserve his authority, he would likewise conserve his, and proceed *via ordinaria.*'

Our king thought it now his best expedient to stand to the decision of his own clergy: Whereunto it conduced much, that Warham, abp. of Canterbury, being lately dead, Thomas Cranmer (an able person) much favoured by the nobility, as our Historians say, and lately employed in the king's business in Italy, and at this present in Germany, was, though absent, chosen to this place. Neither, indeed, could the king's Clandestine Marriage be much longer hidden, the new queen being quick with child: so that he resolved shortly, both to publish his Marriage, and to require his Clergy to proceed to a Sentence concerning the Divorce. His parliament, in the mean time, so favouring his intentions, that they made an Act against Appeals to Rome, to the no little displeasure of queen Catharine, who found thereby how dangerous it would be (in point of our law) to insist on hers. Howsoever, I find she had many openly favoured her Cause, without that our king thought fit to punish them.

Sentence of Divorce pronounced against Queen Catharine.

Queen Catharine was now at Ampthil in Bedfordshire; and because it concerned the king to acquaint her with the causes of this second Marriage, he sent again some grave persons to prepare her thereunto, wishing her together to submit. But she persisting still, Cranmer, abp. of Canterbury, cited her to appear at Dunstable, being six miles off. Where for deciding this business, he appointed a Court to be held; and with him came the bishops of London, Winchester, (being Stephen Gardiner) Bath, Lincoln, and many great clerks. Their first proceeding (as Sanders hath it) was a citation to our king to put away his wife Catharine, protesting otherwise that they would censure him. But the Records which I have seen, mention only that Cranmer demanded and obtained leave of the king to determine the matter, since it caused much doubt among the common people, and fears of great inconveniences in matter of Succession. The Court being now held, and the queen summon'd 15 days together, without yet that she appeared, the archbishop having first pronounced her contumacious, proceeds to Sentence, which also he caused to be publickly read in the chapel of our Lady in the priory of Dunstable, before two notaries, and then sent to the king, desiring further to know his mind concerning his second Marriage, as soon as he had advised with his council.

The Tenor of the Sentence was this.

"In the name of God, Amen: We Thomas by divine permission archbishop of Canterbury, primate of all England, and legate of the apostolical see, in a certain cause of enquiry of and concerning the validity of the Marriage contracted and consummated between the most potent and most illustrious prince, our sovereign lord Henry 8, by the grace of God king of England and France, defender of the faith, and lord of Ireland, and the most serene princess Catharine, daughter of his most catho-

lick majesty, Ferdinand king of Spain, &c. of glorious memory; we proceeding according to law and justice in the said Cause, which has been brought judicially before us in virtue of our office, and which for some time has lain under examination, as it still is, being not yet finally determined and decided, having first seen all the Articles and Pleas which have been exhibited and set forth of her part, together with the Answers made thereto, and given in on the part of the said most illustrious and powerful prince Henry 8; having likewise seen, and diligently inspected the Informations and Depositions of many noblemen and other witnesses of unsuspected veracity exhibited in the said Cause; having also seen, and in like manner carefully considered not only the Censures and Decrees of the most famous Universities of almost the whole Christian world, but likewise the Opinions and Determinations both of the most eminent divines and civilians, as also the Resolutions and Conclusions of the clergy of both provinces of England in convocation assembled, and many other wholesome instructions and doctrines which have been given in and laid before us concerning the said Marriage. Having farther seen, and with like diligence inspected all the Treaties and Leagues of peace and amity on this account, entered upon, and concluded between Henry 7, of immortal fame, late king of England, and the said Ferdinand of glorious memory, late king of Spain, having besides seen, and most carefully weighed all and every of the Acts, Debates, Letters, Processes, Instruments, Writs, Arguments, and all other things which have passed, and been transacted in the said Cause at any time, in all which thus seen and inspected, our most exact care in examining, and our most mature deliberation in weighing them, hath by us been used, reserving herein whatsoever of right ought to be by us reserved. Furthermore the said most illustrious and most powerful prince king Henry 8, in the forementioned Cause, by his proper proctor having appeared before us, but the said most serene lady Catharine in contempt absenting herself, (whose absence may the divine presence always attend) by and with the advice of the most learned in the law, and of persons of most eminent skill in divinity, whom we have consulted in the premises, we have found it our duty to proceed to give our final Decree and definitive Sentence in the said Cause, which accordingly we do in this manner. Because by acts, warrants, deductions, propositions, exhibitions, allegations, proofs and confessions, articles drawn up, answers of witnesses, depositions, informations, instruments, arguments, letters, writs, censures, determinations of professors, opinions, councils, assertions, affirmations, treaties and leagues of peace, processes and other matters in the said Cause as is above-mentioned before us laid, had, done, exhibited, and respectively produced, as also from the same and sundry other reasons, causes and considerations, manifold arguments, and various kinds of proof of the greatest evidence, strength and validity, of which in the said Cause we have fully and clearly informed ourselves, we find, and with undeniable evidence and plainness, see, that the Marriage contracted and consummated, as is aforesaid, between the said most illustrious prince king Henry 8, and the most serene lady Catharine, was and is null and invalid, and that it was contracted and consummated contrary to the law of God. Therefore we Thomas, archbishop, primate and legate aforesaid, having first called upon the name of Christ for direction herein, and having God altogether before our eyes, do pronounce sentence, and declare for the nullity and invalidity of the said Marriage, decreeing that the said pretended Marriage always was, and still is null and invalid, that it was contracted and consummated contrary to the will and law of God, that it is of no force or obligation, but that it always wanted, and still wants the strength and sanction of law, and therefore we sentence, decree and declare, that it is not lawful for the said most illustrious and powerful prince Henry 8, and the said most serene lady Catharine, to remain in the said pretended Marriage; and we do separate and divorce from each other the said most illustrious and most powerful king Henry 8, and the said most illustrious lady Catharine, in as much as they contracted and consummated the said pretended Marriage *de facto* and not *de jure*, and that they so separated and divorced, are absolutely free from all Marriage Bond, with regard to the foresaid pretended Marriage, we do pronounce, decree and declare by this our definitive Sentence, and final Decree, which we now give, and by the tenor of these presents publish. May 23, 1533."

The king hereupon (according to the Decree of the last parliament) commands strictly Catharine should no more be called queen, but princess dowager, and widow of prince Arthur.

The King proceeded against vigorously at Rome.

And now the news of the archbishop of Canterbury's Sentence, and open Marriage of mistress Anne Bolen, being come to the Pope's ears, and together with it an Information concerning the Book our king had composed against the Pope's authority (which also more than any thing else offended him) the whole college of cardinals, especially such as were for the emperor, became humble suppliants to the Pope, that he would proceed rigorously against our king; which also the Pope accorded, though not in that peremptory and publick manner as was afterwards done; for I find that this Sentence was not definitive in the principal Cause, (as the imperials desired, and Sanders mistakes it) but only declarative in the point of Attemptats, (as they call it) in that king Henry (the Cause yet depending) had divorced himself without the leave and authority of the Pope. Therefore it was declared that all his actions herein were subject to a nullity, and himself to excommunication, unless he restored things in

integrum, for which time was allowed him till the end of September following. These proceedings being reserved, and the censures thus suspended, argued that the Pope was willing before he went any farther to see the success of his interview with Francis, which was accelerated by this means.—This while, our king being confident, that either by the Pope's good permission, or his proper authority, he should be able to justify a Cause which so many Universities had sentenced on his side, proceeds to the coronation of his new queen, which also was performed with much solemnity.—The Pope was often solicited by Francis in the behalf of our king, that at least the time of declaring the Censures against him might be prorogued. But the Pope answering only, that though the term prefixed for fulmination were now past, yet he would omit further process till he came to Rome. Our agents not content herewith, proceed in their Instructions, and Edmund Bonner, as I find by an Original of his to our king, getting audience of the Pope, Nov. 7, in respectful terms, and under protestation that his majesty intended no contempt of the see apostolick or holy church, intimated to him king Henry's 'Appeal to the next General Council lawfully assembled,' exhibiting also the authentick Instruments thereof (made before the bishop of Winchester;) at which the Pope being much incensed, said, 'he would refer it to the Consistory.' Which being held Nov. 10, he answered Bonner, 'That, concerning the king's Appeal he rejected it, as being unlawful, and against a Constitution of Pope Pius. 2, For the Council, he would procure it, as belonging to his authority, and not to king Henry's. 3, For the Original Instruments,' which Bonner required back, 'he denied them,' and so dismissed him; desiring Francis only, that he would persuade our king to conform himself to his ancient devotion and obedience to the Roman Church.' Shortly after which, being the 12th of Nov. 1533, the Pope returned. I find moreover that the abp. of Canterbury at this time suspecting the Pope would proceed against him, by the advice of our king made his Appeal also to the Council: which he desired our agents to intimate to the Pope. The success whereof yet doth not appear in our Records.

The Pope's Sentence against the King set up at Dunkirk.

About this time the Pope's Sentence against the king was openly set up at Dunkirk in Flanders; so that to prevent further inconveniences, the king (as our Records shew) advised with his Council, Dec. 2. First, To inform his subjects of his Appeal to the Council General, and the justice thereof. Secondly, Of the Unlawfulness of the dowager's Appeal to Rome, and the late statute against it, which said statute was (for that purpose) to be set upon every church door in England, as also his majesty's said Provocation, or Appeal, whereof transumpts also were to be sent into Flanders. Thirdly, To command it to be taught, that the General council is above the pope, and that he hath no more authority in England by God's law than any other foreign bishop. Lastly, to send into Germany, to confederate with the king of Poland, John king of Hungary; the dukes of Saxony, of Bavaria, the landtgrave of Hess, &c. as likewise the Hanse-Teutonick towns, being Lubeck, Dantsick, Noremburgh, &c. These things being resolved on, for a final Answer, he desired the bishop of Paris to certify Francis, That if the pope would supersede from executing his Sentence, until he had indifferent judges sent, who might hear the business, he would also supersede from the execution of what he was deliberated to do in withdrawing his obedience from the Roman see. But the bishop, who thought this alone not enough to reduce things into good terms, made an offer to negociate the business at Rome; which our king gladly accepted, assuring him withal, that as soon as he had obtained what was demanded, he would send sufficient power and authority to confirm as much as was accorded on his part, as having entire confidence in his discretion and sufficiency, ever since his two years employment as ambassador in this kingdom. Whereupon the bishop, though in Christmas holydays, and an extream winter, posted to Rome: where he came before any thing was done, more than what formerly past: and here obtaining a public audience in the Consistory, he eloquently declared our king's Message, representing both what he had obtained of our king, and shewing withal how advantageous it would be to the whole church. Which so prevailed, that they prefixt a day for receiving from our king a confirmation thereof. Insomuch, that a courier was dispatched to our king Henry, desiring his Answer, within the time limited. But the term being expired, and no Answer brought, the pope resolved to proceed to fulmination of the Sentence; which being advertised to Bellay, he repaired to the pope and cardinals, (then sitting in full Consistory) desiring them to stay a while, it being probable that the courier, either through cross winds, or other accidents in long journies, might be detained; concluding his speech, that if the king of England had six years together been patient, they might attend six days; which space only he desired them to give him, for the receiving of our king's Answer; this proposition being put to the question, the plurality of voices carried it against our king, and the rather, that in this mean time, news came to Rome, that the king had printed and published the Book written against the Pope's authority, (which yet was untrue, for it came not forth till afterwards, though it was not yet kept so close, but a copy was now come to the Pope's hands) and that there was a comedy represented at court, to the no little defamation of certain cardinals. By reason whereof the Sentence was so precipitated, that, what according to their usual forms could not be done in less than three Consistories, was now dis-

patched in one: and so by a final determination the Marriage with queen Catharine was pronounced good, and king Henry commanded to accept her for his wife, and in case of refusal Censures were fulminated against him. But two days of the six were not past, when the courier arrived with ample commission and authority from our king, to conclude and confirm all that the bishop had agreed in his name. Which was this, (as the writer of the Concilio Tridentino hath it) that king Henry was content to accept the Judgment of that court, upon condition that the suspected and imperial cardinals should not intervene, and that indifferent persons should be sent to Cambray to be informed of the merits of the Cause; giving authority further for his proctors to appear in that court. At which, the more wise and temperate cardinals were so astonished, that they became humble suppliants to the pope, that he would advise how all things might be repaired; whereupon the business was again discussed. But all remedies being judged either late, or impossible, the Sentence stood, and the emperor was made the executor of it. The bishop now returning toward France, met (as I find by our Records) Edward Karne and William Revet, who were employed by our king for soliciting this important business. But as they understood by the bishop, that the first Marriage was pronounced good, and the issue by it legitimate, so they judged it lost labour to proceed, and advertised all to our king.

The Sentence was to this effect.

"That Pope Clement the seventh with the consent of his other brethren the cardinals assembled together in the consistory, sitting there in the throne of justice calling upon the name of Christ, and having God only before his eyes, doth pronounce, define, and declare in the cause and causes between his dear daughter Catharine queen of England appealing to the see apostolique, and his beloved son Henry the 8th, king of England, concerning the validity and invalidity of the matrimony heretofore contracted between them, and yet depending in the Consistory Court of the said Pope Clement; that the said matrimony always hath and still doth stand firm and canonical, and that the issue proceeding, or which shall proceed of the same, standeth and shall stand lawfull and legitimate; and that the aforesaid Henry, king of England, is and shall be bound and obstrict to the matrimonial society and cohabitation with the said lady Catharine his lawful wife and queen, to hold and maintain her with such love and princely honour, as becometh a loving husband, and his kingly honour to do.—Also that the said Henry king of England, if he shall refuse so to perform and accomplish all and singular the premises, in all effectual manner is to be condemned and compelled hereunto by all remedies of the law, and enforced, according as we do condemn, compell, and enforce him so to do, providing, that all molestations and refusals whatsoever made by the said king Henry against the said queen Catharine, upon the invalidity of the said marriage, to have been and be judged unlawful and unjust; and the said king from henceforth for ever to hold his peace, and not to be heard in any court hereafter to speak touching the invalidity of the said matrimony: like as we also do here will and charge him to hold his peace, and do put him to perpetual silence herein; willing moreover and adjudging the said king Henry to be condemned, and presently here we do condemn him in the expences on the said queen Catharine's behalf here in our court, expended and employed in traversing the aforesaid cause, the valuation of which expences we reserve to ourselves to be limited and taxed, as we shall judge meet hereafter. We do so pronounce, I, at Rome in our Apostolical palace publicly in our Consistory, 25th March 1534. Blosius.

The King's Marriage with Catharine made void by Act of Parliament.

In the year 1554, 23 Hen. 8, upon the suit of Parliament to the king for the establishing of the Succession to the crown (the uncertainty whereof hath caused heretofore great division and bloodshed in this realm) it was enacted, that the king's Marriage with the lady Catharine, wife and carnally known to his brother prince Arthur (as was lawfully proved before Thomas, abp. of Canterbury) as contrary to God's law, shall be held void: and she styled no more queen, but Dowager to prince Arthur, and the matrimony with queen Anne shall be taken for firm and good; and the issue thence procreate be accounted lawful; the inheritance of the crown to belong to the same, in manner following, viz. First to the eldest son begotten by the king on queen Anne, and to the heirs of the said son lawfully begotten, and for default of such heir then to the second son, &c. and if queen Anne decease without issue male, then the crown to descend to the son and heir of the king's body lawfully begotten, and the heirs of the said son lawfully begotten, and for a default of such issue, to the second son in like manner, &c. And for default of sons, that then the crown shall belong to the issue female of the king by queen Anne; and first to the first begotten the princess Elizabeth, and to the heirs of her body lawfully begotten. And for default of such issue then to the second daughter in like sort, &c. And for default of all such issue, to the right heirs of the king's highness. It was ordained that this Act shall be proclaimed before May next throughout the kingdom. And all persons of age shall swear to accept and maintain the same. They who refuse the Oath standing guilty of misprision of High Treason; and they who speak or write against the Marriage or Succession here established, to be adjudged traitors.

Two Bishops sent to acquaint Queen Catharine with this Act.

The Pope having proceeded in those rigorous terms with our king, (as is formerly men-

tioned) and for more authorising his Sentence, made the emperor executor thereof, hoped now to have his revenge, but he was deceived. For though the emperor did gladly accept this overture, for his aunt queen Catharine's sake, and the hope he had to dispose of the princess Mary, as inheritrix of the crown, yet as he had deeper designs, in aspiring to the conquest of Italy, and indeed to an universal monarchy, he was no less glad of the occasion to take off our king from the Pope: howsoever each side prepared for war. The emperors intention was, to give the princess Mary to some one, who upon her title might pretend to the crown, whom therefore he promised to second. Our king and Francis not ignorant of the emperor's designs, agreed on the other side, partly to join with the duke of Gueldres for invading the adjoining territories to France, and partly to renew the ancient claim to Navarre, and assail the emperor in those quarters. Yet neither did that of the emperor take effect, because there was no means to recover the person of the princess Mary. Nor this of our king's, because Francis employing his thoughts wholly on the affairs of Italy, did not think fit to comply openly with one against whom the Pope had fulminated. Howbeit, our king for defence of his authority and second Marriage, neglected not to obtain from the parliament a confirmation thereof, and of the Succession in that line, (as is mentioned before;) sending also to queen Catharine at Bugden near Huntingdon, in sequence thereof, Edward Lee, abp. of York, and Cuthbert Tonstall, bishop of Duresme, to signify unto her, that he took it ill that she still claimed the title of Queen, &c. the passages of which negociation I have thought fit to transcribe out of the Original Record, as containing many material points concerning the whole frame of the business.

Their Letter to the King, was this:

"Please it your highness to understand, that this day we repaired to the princess Dowager, and there I, the abp. of York, for an introduction to declare to her the effect of our commission, said to her; 1. That your highness had often sent to her divers of your council, and amongst them me, one, to declare unto her the invalidity of the Marriage, between your highness and her; 2. That carnal knowledge, which is the great key of the matter, is sufficiently proved in the law, as also some that were of the council do avow; 3. That upon proof so sufficiently made of carnal knowledge, Divorce was made between your highness and her; 4. That upon Divorce made by lawful Sentence, she was admonished to leave the name of a queen, and not to account or call herself hereafter your highness wife; 5. How that after your highness was discharged of the Marriage made with her, you contracted new Marriage with your dearest wife queen Anne; 6. That for so much as, thanked be God, fair issue is already sprung of this Marriage, and more likely to follow, by God's grace, that the whole body of your realm gathered together in parliament, hath for the establishment of this issue, by your dearest wife queen Anne, and the Succession coming of this Marriage, made Acts and Ordinances against all them that would in word or in deed withstand them, and that for these purposes, we were sent to her grace, to the intent she might understand the true purpose of these Acts, with the pains; lest by ignorance she should fall in any of them, and so I declared the Act. Which thing being thus declared to her, she being therewith in great choler and agony, and always interrupting our words to the aforesaid points, made these Answers following. To the first, that she took the Matrimony between your highness and her for good, and so always would account herself to be your highness's lawful wife, in which opinion she said she would continually, till death, persist. To the second, she utterly denied that ever carnal knowledge was had between her and prince Arthur, and that she would never confess the contrary, and with loud voice when mention was made of that point, she said they lied falsely that so said. To the third, she answered, that she is not bound to stand to that Divorce made by my lord of Canterbury, whom she called a shadow, and that although he had given Sentence against her, yet the Pope had given Sentence with her, whom she took for Christ's vicar, and therefore would always obey him, as his faithful daughter. To the fourth, she answered, that she would never leave the name of a queen, and she would always take herself for your highness wife. To the fifth, she said that this Marriage, made after her Appeal, which she made by your highness leave and consent, is of no value. To the sixth, she answered, that she is not bound to the acts of the parliament, for so much as she is your highness wife, and not subject to your highness, and also because these Acts were made by your highness subjects in your favour, your highness being party in this matter; with divers other unseeming words. Unto which her Answer I the bishop of Duresme replying, forasmuch as she had said in her communication, that both I and the residue of her council had always shewed unto her, that her matter is just and good; I said, that all the question whereupon we were consulted at such time as the legates were here, depended only upon the validity of the Bull and Breve, albeit I said, that sith that time divers other questions had risen and been debated by many Universities, the chief of Christendom, of which one was Bononia, the Pope's own town; and by them concluded, that after the decease of the brother, who had had carnal knowledge with his wife, the brother living might not marry the said wife by any dispensation of the Pope, because it was forbidden by the law of God. And forasmuch as the Pope (albeit the said conclusions, have been by learned men sent from your highness, declared unto him) never made answer to maintain lawfully his power to the contrary,

but rather in confirmation of the Opinions of the said Universities, said at Marseilles, that if your grace would send a Proxie thither, he would give the Sentence for your highness against her, because that he knew that your Cause was good and just, which his saying was accordingly also to an Epistle Decretal sent hither by the legat Campejus, whereof the effect was, that if marriage and carnal knowlege were had betwixt prince Arthur and her, the legates should pronounce for the Divorce, according whereunto proofs were brought in before the legats, and also since, before the convocations of this realm, and the bishop of Canterbury, and by them allowed and approved as sufficient and lawful: whereby doth plainly appear, that the Sentence given by the Pope to the contrary was not vailable, because it pronounced the Dispensation, (which he had no power to grant, seeing it was against the law of God) to be good; therefore I had now changed my former opinion, and exhorted her to do the semblable, and forbear to usurp any more the name of a queen; specially for that the Sentence she sticketh so greatly unto, was given after your Grace's appeal to the council general, and intimate to the Pope, so that it could not be vailable. And that if she should so do, she might thereby attain much quietness for herself, and her friends, and that she being conformable so to do, I doubted not but your highness would suffer her to have about her such persons as should be to her pleasure, and intreat her as your Grace's most dearest sister, with all liberty and pleasure, with divers other things which by her much enterlacing, I was forced to answer unto. The specialties whereof, and of her obstinacy, that she will in no wise, ne for any peril of her life or goods relinquish the name of a queen, we do remit for tediousness unto the wisdoms and discretions of my lord of Chester, Mr. Almoner, and Mr. Redell, who like as they have very substantially, wisely, and effectually ordered themselves in the execution of the premises, so we doubt not, but that they will sincerely report the circumstances of the same unto your highness, whom we beseech Almighty God long to preserve in much honour, to his pleasure, and your hearts desire. At Huntington, the 21 day of May. By your highness most humble subjects, servants and chaplains, EDOVARD EBOR, CUTHBERT DURESME."

Queen Catharine, or (as the king commanded her to be called) the Princess Dowager, finding now no assistance but spiritual from the Pope, nor reparation procured by the emperor but incertain and slow, and for the rest grieving at the prosperity and fruitfulness of queen Anne (now with child again, whereof yet she miscarried) fell into her last sickness at Kimbolton in Huntingdonshire, in the 50th year of her age, and the three and thirtieth since her coming into England; during which time, though comforted by the king and Eustachio Chapuys, doctor of both laws, and ambassador resident from Charles, she fell so desperately ill, as finding death now coming, she caused a maid attending on her to write to the king to this effect:

"My most dear Lord, King and Husband: The hour of my death now approaching, I cannot chuse, out aut of love I bear you, advise you of your soul's health, which you ought to prefer before all considerations of the world or flesh whatsoever. For which yet you have cast me into many calamities, and yourself into many troubles. But I forgive you all; and pray God to do so likewise. For the rest I commend unto you Mary our daughter, beseeching you to be a good father to her, as I have heretofore desired. I must intreat you also, to respect my maids, and give them in marriage, which is not much, they being but three; and to all my other servants, a year's pay besides their due, lest otherwise they should be unprovided for. Lastly, I make this vow, that mine eyes desire you above all things. Farewell."

Besides which Letter she dictated another to Eustachius, desiring him to procure that the emperor might put our king in mind of her request, when otherwise he forgot it; and soon afterwards she died.

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29. Proceedings against THOMAS WOLSEY, Cardinal and Archbishop of York, upon a Præmunire, and for other Offences: 20 Hen. VIII. A. D. 1529. [Lord Herb. in Kennett Comp. Hist. 123. 4 Co. Inst. 89. 1 Cobb. Parl. Hist. 490.]

CARDINAL Wolsey being now divested of his late power (wherein he had the glory, in some sort, to have been superior to his king) and for the rest being left alone, and exposed not only to a general hatred, but to the private machinations of the present and future queen, became sensible of his ill estate; though yet he did not believe himself so near his overthrow, as it appeared afterwards. But what could he hope for, when such puissant enemies did procure his destruction? Therefore, though he received some advices from Rome, which might argue a care rather than a power for his conservation, yet in effect what secret intelligence never passed betwixt the pope and him, came to the emperor first, and after to queen Catharine, who cunningly caused it to be whispered into the king's ears, by some more

indirect ways, than it could possibly be imagined to proceed from her. Likewise mistress Anne Bolen, having learned from some of the king's wisest and gravest counsellors divers malversations of the cardinal, was so far from disguising them, that she even misinterpreted his better actions. Edmund Campion adds to these reasons, that sir Francis Bryan being in Rome, did by the means of a familiar of one who kept the Pope's papers, obtain a Letter of the cardinal's, which wrought his ruin, in this manner: Having first shewed her the cardinal's hand-writing, and then corrupted her, this courtezan so dexterously performed the rest, as upon pretence of visiting her servant in his study, she conveyed away this letter, and gave it Bryan, who failed not immediately to send it to our king. Which relation of Campion, though I will not contradict, yet I suppose to be the more improbable, that I find by original dispatches, Bryan was come from Rome before any argument of the king's disfavour to the cardinal appeared. Howsoever, the way the king took to overthrow him was merely legal, though approaching to *Summum Jus*, after most mens opinion. In the carriage whereof yet that secresy was used, that the cardinal did not, or perchance out of greatness of mind, would not take notice of what was intended against him. So that though the Bill or Indictment was put in (at the beginning of Michaelmas term) yet did he ride that day to the Chancery with his accustomed pomp. Of which our king being advertised, thought fit to forbid him the place; as thinking it undecent, that a man, who was upon terms of conviction, should administer that high charge. Therefore the dukes of Norfolk and Suffolk were sent, the 18th of October, to require the great seal of him. But the cardinal, instead of rendering it, disputed their authority, alledging the place of lord chancellor, was by the king's letters patents given him during life. [Qu. the validity of such a patent, see Co. 4. Inst.] The two dukes hereupon returned to court, bringing the next day the king's letters to the cardinal, who having read them, delivered immediately the great seal; in sequence thereof, also submitting himself to the king, who commanded him to leave York-Place, and simply to depart to Asher, a country-house near Hampton-Court, belonging to the bishop of Winchester. He charged his officers also to inventory and bring forth his goods. Whereupon much brave furniture made into hangings, besides whole pieces of rich stuffs were set upon divers tables in his house; the variety and number whereof may be imagined, when (as Cavendish hath it) of fine Holland cloth alone there were a thousand pieces. Besides, the walls of his gallery on the one side, were hanged with rich suits of cloth of gold, cloth of silver, cloth of tissue, and cloth of bodkin; on the other side was placed the most glorious suit of copes that had been seen in England. In a chamber near to the gallery was a great cupboard of plate, of massy gold; and in a chamber adjoining, vast quantity of other plate. All which the cardinal commanded sir William Gascogne (his treasurer) to deliver to the king, when he was required.

The Bill against the Cardinal.

In the mean while the Bill against the cardinal proceeded, the most substantial parts whereof being extracted out of the Original Record, I have thought fit to present to the reader. The ground upon which Christopher Hales, the king's Attorney, prosecuted the cardinal, was a statute of 16 Richard 2, in which is enacted, "That whereas the commons of the realm ought of right, and were wont of old time to sue in the king's court to recover their presentments to churches, prebends, and other benefices of holy church, to which they had right to present, and when judgment shall be given in the said court upon such a plea and presentment, the archbishops, bishops, and other spiritual persons, which have institutions of such benefices within their jurisdictions, be bound, and have made execution of such judgments by the king's commandments, of all the time aforesaid, without interruption, and also be bound of right to make execution of many other the king's commandments: of which right the crown of England hath been peaceably seized, as well now, as in the time of all his progenitors. And whereas the bishop of Rome" (for so he is termed in the act) "had made divers processes and censures of excommunication upon certain bishops in England, because they have made execution of such commandments, and also because he hath ordained and purposed to translate some prelates of the realm, some out of the realm, and some from one bishoprick to another within the said realm, without the king's assent and knowledge, and without the assent of the prelates, which so shall be translated; which prelates be much profitable and necessary to our lord the king, and to all his realm; which translations if they should be suffered, the statutes of the realm should be defeated and made void, and his said liege sages of his council, without his assent, and against his will, carried away and gotten out of his realm, and the substance and treasure of the realm shall be carried away, and so the realm destitute as well of counsel as of substance, to the final destruction of the same realm; and so the crown of England, which hath been so free at all times, that it hath been in no earthly subjection, but immediately subject to God in all things touching the legality of the same crown, and to none other, should be submitted to the pope; and the laws and statutes of the said realm, by him defeated and avoided at his will, in perpetual destruction of the sovereignty of the king our lord, his crown, his regality, and of all his realm, &c. Therefore the king, by the assent of his lords, and at the request of the commons, hath ordained and established, that, if any purchase or pursue, or cause to be purchased or pursued, in the court of Rome, or elsewhere, any Translations, Pro-

cesses, and Sentences of Excommunication, Bulls, Instruments, or other things whatsoever, which touch the king, against him, his crown, and regality or realm, and they which bring within the realm, or them receive, or make thereof notification, or any other execution whatsoever within the same realm or without; that they, their notaries, procurators, maintainers, abettors, fautors and counsellors, shall be put out of the king's protection, and their lands and tenements, goods and chattels, forfeit to the king, and that they be attached by their bodies if they may be found, and brought before the king and his council, there to answer to the cases aforesaid, or that process be made against them by a writ of *Præmunire facias*, in manner as it is ordained in other Statutes of Provisors, and other, which do sue in any other court, in derogation of the regality of our lord the king."—

Upon which statute it was alledged, "That Thomas, *legatus de latere*, cardinal, archbishop of York, and primate of England, being not ignorant of the premises, had obtained certain Bulls from Clement 7, by which he exercised jurisdiction and authority legatine, to the deprivation of the king's power established in his courts of justice; which said Bulls he caused to be publicly read in Westminster, (Aug. 28, 1523) assuming to himself thereupon the dignity and jurisdiction of Legatus de Latere, which he hath exercised from the said 28th of Aug. to this day, to the prejudice of the right of both secular and ecclesiastical persons, and that by colour thereof, he had given away the Church of Stoke-Guildford in the county of Surrey (being of right in the donation of the prior of St. Pancrase) to one James Gorton, who also enjoyed it accordingly. All which was to the contempt of the king and his crown, and contrary to the aforesaid statutes of 16 Rd. 2. Moreover that, by colour of the said authority, he had caused the last Wills and Testaments of many (out of his diocess) to be exhibited and proved in his court, and their goods and chattels to be administered by such as he appointed. Also that, under colour of the said authority, he had made divers visitations out of his diocess, and drawn divers Pensions from Abbeys, to the contempt of the king and his laws."

The proofs of which particulars, though evident and notorious, were not yet urged to his conviction, till, through the king's special permission (by writ of October 28.) John Scuse and Christopher Genney appeared in court as his Attorneys; where, for all other Answers, they protested in the said cardinal's name, that the said cardinal did not know the impetration of the said Bulls to have been to the contempt and prejudice of the king, or that it was against any Statute of Provisors heretofore made. As for the particulars wherewith he was charged by master Attorney, he confest them all true in the manner and form alledged: and so submitted himself to the king. Whereupon the court gave Sentence, that "he was out of the king's protection, and his lands, goods, and chattels forfeit, and that his person might be seized on."

The Cardinal is condemned in the Star Chamber.

Not contented herewith yet, another proof of the same kind was by the king's attorney produced against the Cardinal, namely, that contrary to the right of the true patron (being the master and fellows of the hospital of St. Lazarus in Burton-Lazar), he had, by the same authority, given away the parish-church of Galby in Leicestershire, and diocess of Lincoln (then vacant by the death of one Woodroff) to one John Allen, doctor of both laws, and placed him in it.—And thus fell the Cardinal, together with all his vast possessions, into the king's hands. But the king did not think it enough that he had particularly advantaged himself of the Cardinal's punishment, unless he made some use thereof to the general, so he called a Council of the nobles, to sit in the Star-Chamber, who having sufficiently condemned him, he afterwards remitted him to the Parliament, which began November 3, 1529. Wherein the king also did wisely, since by interesting the publick in his condemnation, he both declined the censure of those who thought the late Proceedings to have been of the severest, and endeared his people by putting the power of punishing him into their hands. Therefore they took it as an intire satisfaction for all they had hitherto suffered; and by applauding of the king, made him know how thankfully they took this favour. And thus did the king return to that former good opinion he had of his subjects.

ARTICLES *preferred against the Cardinal in Parliament.*

Hereupon, certain Articles against the Cardinal were preferred in parliament. The original whereof, found among our Records, I have thought fit to transcribe; and the rather for that our vulgar Chronicles misreport them.

"Constrained by necessity of our fidelity and conscience, complain and shew to your royal majesty, we your graces humble, true, faithful, and obedient subjects, That the lord Cardinal of York, lately your graces chancellor, presuming to take upon him the authority of the Popes Legat de latere, hath by divers and many sundry ways and fashions committed notable, high, and grievous Offences, misusing, altering, and subverting the order of your graces laws, and otherwise contrary to your high honour, prerogative, crown, estate, and dignity royal, to the inestimable damage of your graces subjects of every degree, and consequently to the great hindrance, diminution, and decay of the universal wealth of this your graces realm, as is it touched summarily and particularly in certain Articles here following; which be but a few in comparison of all his enormities, excesses, and transgressions committed against your graces laws. That is to say,

1. First, where your grace, and your noble

progenitors within this your realm of England, being kings of England, have been so free, that they have had in all the world no other sovereign, but immediate subject to Almighty God, in all things, touching the regality of your crown of England, and the same pre-eminence, prerogative, jurisdiction, lawful and peaceable possession, your grace, and your noble progenitors have had, used, and enjoyed without interruption, or business therefore, by the space of 200 years and more; whereby your grace may prescribe against the Popes Holiness, that he should not, nor ought to send, or make any legat to execute any authority legatine, contrary to your graces prerogative within this your realm. Now the lord Cardinal of York being your subject, and natural liege born, hath of his high, orgullous, and insatiable mind, for his own singular advancement and profit, in derogation, and to the great imblemishment and hurt of your said royal jurisdiction, and prerogative, and the large continuance of the possession of the same, obtained authority legatine, by reason whereof he hath not only hurt your said prescription, but also by the said authority legatine hath spoiled and taken away from many houses of religion in this your realm, much substance of their goods; and also hath usurped upon all your Ordinaries within this your realm much part of their jurisdiction, in derogation of your prerogative, and to the great hurt of your said ordinaries, prelates, and religious.—2. Also, the said lord cardinal, being your ambassador in France, made a Treaty with the French king for the Pope, your majesty not knowing any part thereof, nor named in the same; and binding the said French king to abide his order and award, if any controversy or doubt should arise upon the same betwixt the said Pope and the French king.—3. Also, the said lord cardinal, being your ambassador in France, sent a Commission to sir Gregory de Casalis, under your great seal, in your graces name, to conclude a Treaty of Amity with the duke of Ferrara, without any command or warrant of your highness, nor your said highness advertised or made privy to the same.—4. Also, the said lord cardinal, of his presumptuous mind in divers and many of his Letters and Instructions sent out of this realm to outward parties, had joined himself with your grace, as in saying and writing in his said Letters and Instructions; 'The king and I.' And, 'I would ye should do thus. The king and I give unto you our hearty thanks.' Whereby it is apparent that he used himself more like a fellow to your highness, than like a subject.—5. Also, where it hath ever been accustomed within this your realm, that when noblemen do swear their household servants, the first part of their oath hath been, That they should be true liegemen to the king and his heirs kings of England; the same lord cardinal caused his servants to be only sworn to him, as if there had been no sovereign above him.—6. And also, whereas your grace is our sovereign lord and head, in whom standeth all the surety and wealth of this realm, the same lord cardinal knowing himself to have the foul and contagious disease of the great pox, broken out upon him in divers places of his body, came daily to your grace, rowning in your ear, and blowing upon your most noble grace with his perilous and infective breath, to the marvelous danger of your highness, if God of his infinite goodness had not better provided for your highness. And when he was once healed of them, he made your grace to believe that his disease was an impostume in his head, and of none other thing.—7. Also, the said lord cardinal, by his authority legatine, hath given, by prevention, the Benefices of divers persons, as well spiritual as temporal; contrary to your crown and dignity, and your laws and estatutes therefore provided; by reason whereof he is in danger to your grace of forfeiture of lands and goods, and his body at your pleasure.—8. Also, the said lord cardinal, taking upon him otherwise than a true counsellor ought to do, hath used to have all ambassadors to come first to him alone, and so hearing their charges and intents it is to be thought he hath instructed them after his pleasure and purpose, before that they came to your presence; contrary to your high commandment by your graces mouth to him given, and also to other persons sent to him by your grace.—9. Also, the said lord Cardinal hath practised so, that all manner of Letters sent from beyond the sea to your highness have come first to his hands, contrary to your high commandment by your own mouth, and also by others sent to him by your grace; by reason whereof your highness, nor any of your council had knowledge of no matters, but such as it pleased him to shew them; whereby your highness and your council have been compelled of very force to follow his devices, which oftentimes were set forth by him under such crafty and covert means, that your highness and your council have oftentimes been abused. Insomuch, that when your council have found, and put divers doubts and things which have afterwards ensued, he to abuse them used these words; 'I will lay my head that no such thing shall happen.'—10. Also, the said lord cardinal hath practised that no manner of person, having charge to make espial of things done beyond the sea, should at their return come first to your grace, nor to any other of your council, but only to himself, and in case they did the contrary, he punished them for so doing.—11. Also, the said lord cardinal hath granted License under your great seal for carrying out of grain and other victual, after the restraint hath been made thereof, for his own lucre, and singular advantage of him and his servants, for to send thither as he bare secret favour, without your graces warrant or knowledge thereof.—12. Also, the said lord cardinal used, many years together, not only to write unto all your ambassadors resident with other princes in his own name all advertisements concerning your graces affairs, being in their charge; and in the same his Letters wrote many things of his

own mind, without your graces pleasure being known, concealing divers things which had been necessary for them to know; But also caused them to write their Advertisements unto him: and of the same Letters he used to conceal for the compassing of his purposes many things both from all your other counsellors, and from yourself also.—13. Also, where good hospitality hath been used to be kept in houses and places of Religion of this realm, and many poor people thereby relieved, the said hospitality and relief is now decayed and not used; and it is commonly reported that the occasion thereof is, because the said lord cardinal hath taken such impositions of the rulers of the said houses, as well for his favour in making of abbots, and priors, as for his visitation, by his authority legatine: and yet, nevertheless, taketh yearly of such religious houses, such yearly and continual charges, as they be not able to keep hospitality as they used to do; which is a great cause that there be so many vagabonds, beggars and thieves.—14. Also, where the said lord cardinal said, before the suppression of such Houses as he hath suppressed, that the possessions of them should be set to farm among your lay-subjects, after such reasonable yearly rent as they should well thereupon live, and keep good hospitality; and now the demain possessions of the said houses, since the suppression of them, hath been surveyed, mete, and measured by the acre, and be now set above the value of the old rent; and also such as were farmers by covent-seal, and copy-holders be put out, and moved of their farms, or else compelled to pay new fines, contrary to all equity and conscience.—15. Also, the said lord cardinal, sitting among the lords, and other of your most honourable council, used himself that if any man would shew his mind according to his duty, contrary to the opinion of the said cardinal, he would so take him up with his accustomable words, that they were better to hold their peace than to speak, so that he would hear no man speak, but one or two great personages, so that he would have all the words himself, and consumed much time with a fair tale.—16. Also, the said lord cardinal by his ambition and pride, hath hindered and undone many of your poor subjects for want of dispatchment of matters; for he would no man should meddle but himself. Insomuch, that it hath been affirmed by many wise men, that ten of the most wise, and most expert men in England, were not sufficient in convenient time to order the matters that he would retain to himself: and many times he deferred the ending of matters, because that sutors should attend and wait upon him, whereof he had no small pleasure that his house might be replenished with sutors.—17. Also, the said lord cardinal, by his authority legatine, hath used, if any spiritual man having any riches or substance, deceased, he hath taken their goods as his own; by reason whereof their Wills be not performed: and one mean he had, to put them in fear that were made executors, to refuse to meddle.—18. Also, the said lord cardinal constrained all ordinaries in England yearly to compound with him, or else he will usurp half or the whole of their jurisdiction by prevention, not for good order of the diocess, but to extort treasure; for there is never a poor arch-deacon in England, but that he paid yearly to him a portion of his living.—19. Also, the said lord cardinal hath not only by his untrue suggestion to the Pope, shamefully slandered many good religious houses, and good virtuous men dwelling in them, but also suppressed by reason thereof above 30 houses of religion; and where, by authority of his Bull, he should not suppress any house that had more men of religion in number, above the number of 6 or 7, he hath suppressed divers houses that had above the number: and thereupon hath caused divers offices to be found by verdict, untruly, that the religious persons, so suppressed, had voluntarily forsaken their said houses, which was untrue, and so hath caused open perjury to be committed, to the high displeasure of Almighty God.—20. Also, the said lord cardinal hath examined divers and many matters in the Chancery, after Judgment thereof given at the common law, in subversion of your laws; and made some persons restore again to the other party condemned, that they had in execution by virtue of the Judgment in the common law.—21. Also, the said lord cardinal hath granted many injunctions by writ, and the parties never called thereunto, nor bill put in against them. And, by reason thereof, divers of your subjects have been put from their lawful possession of their lands and tenements. And, by such means, he hath brought the more party of the sutors of this your realm before himself, whereby he and divers of his servants have gotten much riches, and your subjects suffered great wrongs.—22. Also, the said lord cardinal, to augment his great riches, hath caused divers pardons granted by the Pope to be suspended, which could not be revived till that the said lord cardinal were rewarded, and also have a yearly pension of the said pardon.—23. Also, the said lord cardinal, not regarding your laws nor justice, of his extort power, hath put out divers and many farmers of his lands, and also patents of the archbishoprick of York, and bishoprick of Winchester, and of the abby of St. Albans, which had good and sufficient grant thereof by your laws.—24. Also, the same lord cardinal at many times when any houses of religion have been void, he hath sent his officers thither, and with crafty persuasions hath induced them to compromit their election in him. And that, before ere he named or confirmed any of them, he and his servants received so much great goods of them, that in manner it hath been to the undoing of the house.—25. Also, by his authority legatine, the same lord cardinal hath visited the most part of the religious houses and colleges in this your realm, hath taken of them the twenty-fifth part of their livelihood, to the great extortion of your

subjects, and derogation of your laws and prerogative; and no law to bear him so to do.—26. Also, when matters have been near at Judgment by process at your common law, the same lord cardinal hath not only given and sent injunctions to the parties, but also sent for your judges, and expressly by threats commanding them to defer the Judgment, to the evident subversion of your laws, if the judges would so have ceased.—27. Also, whereas neither the bishoprick of York, nor Winchester, nor the abby of St. Albans, nor the profit of his legation, nor the benefit of the chancery, nor his great pension out of France, nor his wards, and other inordinate taking could not suffice him, he hath made his son Winter to spend 2700*l.* by the year, which he taketh to his own use, and giveth him not past 200*l.* yearly to live upon.—28. Also, where the said lord cardinal did first sue unto your grace to have your assent to be legate de latere, he promised and solemnly protested before your majesty, and before the lords both spiritual and temporal, that he would nothing do or attempt by virtue of his legacy, that should be contrary to your gracious prerogative or regality, or to the damage or prejudice of the jurisdiction of any ordinary, and that by his legacy no man should be hurt or offended: and upon that condition, and no other, he was admitted by your grace to be legate within this your realm, which condition he hath broken, as is well known to all your subjects. And when that he made this promise, he was busy in his suit at Rome, to visit all the clergy of England, both exempt and not exempt.—29. Also, upon the suit of the said lord cardinal at Rome, to have his authority legatine, he made untrue surmise to the Pope's holiness against the clergy of your realm, which was, that the regular persons of the said clergy had given themselves *in reprobum sensum;* which words St. Paul writing to the Romans applyed to abominable sin; which slander to your Church of England, shall for ever remain in the register at Rome against the clergy of this your realm.—30. Also, the said lord cardinal had the more part of the goods of Dr. Smith, late bishop of London, bishop Savage of York, Mr. Dalby, archdeacon of Richmond, Mr. Tornyers, Dr. Rothal, late bishop of Durham, and of Dr. Fox, late bishop of Winchester, contrary to their wills and your laws and justice.—31. Also, at the Oyer and Terminer at York, proclamation was made, that every man should put in their bills for extortion of ordinaries, and when divers bills were put in against the officers of the said lord cardinal of extortion, for taking 12*d.* of the pound for probation of testaments, whereof divers bills were found before justice Fitz-Herbert, and other commissioners, the same lord cardinal removed the same indictments into the chancery by Certiorari, and rebuked the same Fitz-Herbert for the same cause.—32. Also, the said lord Cardinal hath busied and endeavoured himself by crafty and untrue tales to make dissention and debate amongst your nobles of your realm, which is ready to be proved.—33. Also, the said lord cardinal's officers have divers times compelled your subjects to serve him with carts for carriages. And also his servants have taken both corn and cattel, fish, and all other victuals at your graces price or under, as though it had been for your grace, which is contrary to the laws.—34. Also, the said lord cardinal hath misused himself in your most honourable court, in keeping of as great estate there in your absence, as your grace would have done, if you had been there present in your own person.—35. Also, his servants, by virtue of your commission under your broad seal by him to them given, hath taken cattel, and all other victual, at as low price as your purveyors have done for your grace by your prerogative, against the laws of your realm.—36. Also, where it hath been accustomed that your purveyors for your honourable household have had yearly out of your town and liberty of St. Albans 300 or 400 quarters of wheat, truth it is, that since the lord cardinal had the room of abbot there, your said purveyors could not be suffered by him and his officers, to take any wheat within the said town or liberties.—37. Also he hath divers times given injunction to your servants, that have been for causes before him in the Star-Chamber, that they nor other for them should make labour, by any manner of way directly or indirectly, to your grace, to obtain your gracious favour or pardon, which was a presumptuous intent for any subject.—38. Also, the said lord cardinal did call before him sir John Stanley, knight, which had taken a farm by covent-seal of the abbot and covent of Chester, and afterwards by his power and might, contrary to right, committed the said sir John Stanley to the prison of Fleet by the space of one year, until such time as he compelled the said sir John to release his covent seal to one Leghe of Adlington, which married one Lark's daughter, which woman the said lord cardinal kept, and had with her two children. Whereupon the said sir John Stanley, upon displeasure taken in his heart, made himself monk in Westminster, and there died.—39. Also, on a time your grace being at St. Albans, according to the ancient custom used within your verge, your clerk of the market doing his office, did present unto your officers of your most honourable household the prices of all manner of victuals, within the precinct of the verge; and it was commanded by your said officers to set up the said prices both on the gates of your honourable household, and also in the market-place within the town of St. Albans, as of ancient custom it hath been used; and the lord cardinal, hearing the same, presumptuously, and not like a subject, caused the aforesaid prices which were sealed with your graces seal, accustomably used for the same, to be taken off, and pulled down in the said market-place where they were set up, and in the same place set up his own prices sealed with his seal, and would, if it had not been letted, in semblable manner used your seal standing

upon your graces gates; and also would of his presumptuous mind, have openly set in the stocks within your said town your clerk of your market. By which presumption and usurpation your grace may perceive, that in his heart he hath reputed himself to be equal with your royal majesty.—40. Also, the said lord cardinal, of his further pompous and presumptuous mind, hath enterprised to join and imprint the cardinals hat under your arms in your coin of groats, made at your city of York, which like deed hath not been seen to have been done by any subject within your realm before this time. 41. Also, where one sir Edward Jones, clerk, parson of Crowley in the county of Buckingham, in the 18th year of your most noble reign, let his said parsonage with all tythes, and other profits of the same to one Wm. Johnson by indentures for certain years, within which years the dean of the said cardinal's college in Oxford, pretended title to a certain portion of tythes within the said parsonage, supposing the said portion to belong to the parsonage of Chichley, which was appropriated to the priory of Tykeford, lately suppressed, where of truth, the parsons of Crowley have been peaceably possessed of the said portion, time out of mind: whereupon a subpœna was directed to the said Johnson to appear before the said lord cardinal at Hampton-Court; where without any bill, the said lord cardinal committed him to the Fleet, where he remained by the space of twelve weeks, because he would not depart with the said portion; and at the last, upon a recognizance made, that he should appear before the said lord cardinal wheresoever he was commanded, he was delivered out of the Fleet. Howbeit, as yet the said portion is so kept from him, that he dare not deal with it.—42. Also, where one Martin Docowra had a lease of the mannor of Balsal in the county of Warwick, for term of certain years, an injunction came to him out of the Chancery, by writ, upon pain of 1000*l.* that he should avoid the possession of the same mannor, and suffer sir Geo. Throgmorton, knt. to take the profits of the same mannor, to the time the matter depending in the Chancery between the lord of St. Johns, and the said Docowra were discust; and yet the said Docowra never made answer in the Chancery, never was called into the Chancery for that matter. And now of late he hath received the like injunction, upon pain of 2000*l.* contrary to the course of the common law.—43. Also, whereas in the parliament-chamber, and in the open parliament, communication and devices were had and moved, wherein mention was, by an incident, made of matters touching heresies, and erroneous sects. It was spoken and reported by one bishop there being present, and confirmed by a good number of the same bishops in presence of all the lords spiritual and temporal then assembled, and two of the said bishops were minded and desired to repair unto the University of Cambridge, for examination, reformation, and correction of such errors as then seemed, and were reported to reign amongst the students and scholars of the same, as well touching the Lutheran sect and opinions, as otherwise; the lord cardinal informed of the good minds and intents of the said two bishops in that behalf, expresly inhibited and commanded them in no wise so to do. By means whereof the same errors (as they affirmed) crept more abroad, and took greater place: saying furthermore, that it was not in their defaults that the said heresies were not punished, but in the said lord cardinal, and that it was no reason any blame or lack should be arrected unto them for his offence. Whereby it evidently appeareth that the said lord cardinal, besides all other his heinous offences, hath been the impeacher and disturber of due and direct correction of heresies; being highly to the danger and peril of the whole body and good Christian people of this your realm.—44. Finally, forasmuch as by the aforesaid articles is evidently declared to your most royal majesty, that the lord cardinal by his outragious pride hath greatly shadowed a long season your graces honour, which is most highly to be regarded, and by his insatiable avarice and ravenous appetite, to have riches and treasure without measure, hath so grievously oppressed your poor subjects, with so manifold crafts of bribery and extortion, that the commonwealth of this your graces realm is thereby greatly decayed and impoverished: and also by his cruelty, iniquity, affection and partiality, hath subverted the due course and order of your graces laws, to the undoing of a great number of your loving people;—Please it your most royal majesty therefore of your excellent goodness towards the weal of this your realm, and subjects of the same, to set such order and direction upon the said lord cardinal, as may be to the terrible example of others to beware so to offend your grace and your laws hereafter: and that he be so provided for, that he never have any power, jurisdiction, or authority, hereafter to trouble, vex, and impoverish the commonwealth of this your realm, as he hath done heretofore, to the great hurt and damage of every man almost, high and low. Which for your grace so doing, will daily pray, as their duty is, to Almighty God, for the prosperous estate of your most royal majesty long to endure in honour and good health, to the pleasure of God, and your hearts most desire.

"Subscribed the 1st day of December, the 21st year of the reign of our sovereign lord king Henry 8. T. More,* T. Norfolk, Char. Suffolk, Tho. Dorset, H. Exeter, G. Shrewsbury, R. Fitzwater, Jo. Oxenford, H. Northumland, T. Darcy, T. Rochford, W. Mountjoy, Wm. Sandys, Wm. Fitz-William, Henry Guldeford, Anthony Fitz-Herbert, John Fitz-James."

* Concerning these signatures, lord Coke, (4 Inst. 95), observes 'So these Articles began to be subscribed by sir Thos. More, lord chancellor, and ended with the two judges of the law.'

These Articles being agreed to by the whole house were presented to the king by the lords, and then sent down to the lower house: where Tho. Cromwel (obtaining the place of a burgess) so wittily defended the cardinal his master, that no Treason could be laid to his charge. Yet could not the resisting of this brunt, nor even the gracious Messages received frequently from the king, chear up the cardinal. For as he found the Pope had now a long while neglected to give the king any satisfaction, which certainly was the only way to procure the cardinal's restitution, and that, for the rest, no evident sign of the king's relenting appeared, so being not able to support any longer his many afflictions, he fell dangerously sick. The news whereof being brought to the king's ears, moved so much compassion, as not only he, but, by his intreaty, mistress Anne Bolen, whom the cardinal had in vain importuned to intercede for him, also sent him several tokens; whereof one was a ruby, wherein the king's image was curiously engraven, a gift heretofore of the cardinal's, together with a gracious message delivered by Dr. Butts, his physician; 'That his highness was not angry with him in his heart, which he should know shortly.' Whereupon the cardinal recovered his health, for the king, so confirming his promises, sealed his pardon, Feb. 12, and three days after, by letters patents, restored him to the archbishoprick of York. Moreover, he sent him money, plate, rich hangings, and furniture for his house and chapel, in that quantity, as the cardinal was for the present much recovered: hoping also, that since he had resigned his house called York-house, but afterward by the king styled the Mannor of Westminster, now Whitehall, that his punishment ended there, and himself now upon terms of regaining the king's favour. The confidence whereof also made him to be an humble suppliant to the king, that, for his health's sake, he might have leave to remove to Richmond-house, the use of which he had received in exchange from the king, for that his sumptuous palace which he built, and called by the name of Hampton-court.

The Cardinal sent to his Bishoprick of York.

And now Cardinal Woolsey, it seems, had tried his utmost skill for recovering of the kings favour; whereof also some hope was given him in his being permitted to remove to Richmond. But as his enemies suspected he would make use of this nearness, to obtain access to the king, so they laboured instantly to send him to the north. Wherein they prevailed at length, obtaining further, that the Revenues of the bishoprick of Winchester, and abbey of Saint Albans, as also some other places of his, forfeited by the Præmunire, might be applied in part to the kings servants; a pension only out of Winchester, being reserved to the cardinal. The revenues also of his two colleges were torn and divided, which grieved him more than any other affliction: insomuch, that he wrote to the king, humbly, as on his knees, with weeping eyes, that the college of Oxford might stand, and importuned Cromwel to this purpose, since they are in a manner, saith he, '*Opera manuam tuarum.*' But Cromwel returned him no comfort herein, saying, 'the king was determined to dissolve them, though whether he meant to restore them again, and found them in his own name, he knew not; but wishes him to be content, &c.' howsoever, in the traffick of these and other lands, as well as negociating his masters business, Cromwel shewed that dexterity, which at last won him much credit, both with the king and his principal counsellors. And now the cardinal being commanded to York, had no excuse for retarding his journey, but want of means, which also he signified to the king; who thereupon sent him a thousand pounds, with which and a train, reduced now to about 160 persons, he set forth, giving by the way much alms, and not a few other arguments of devotion, which also made him gracious with the people, who resorted from all places adjoining, to him. And thus with slow and unwilling removes, he came to Cawood castle near York, about the end of Sept. 1530, where he prepared according to the antient custom, to be installed with much ceremony about a month after; all access to the choire, being till then forbidden. But whether the solemnity of this action was thought by our king to be unreasonable, and misbecoming one in disgrace; or that otherwise the cardinal had cast forth some discontented words, which were related again to the king; here certainly began his final ruine. Which, as his enemies (at this distance) did with more boldness and advantage procure, so had he less means to repair himself. Insomuch, that without being able to discover or prevent their machinations, he was forced to suffer all that could be either truly, or almost falsly surmised against him. Neither had he other hope, but that the punishments he had already endured, might be accepted as an intire satisfaction for all his offences.

The Cardinal is arrested in York, of High Treason.

And now his stallation grew near, when the earl of Northumberland, warden of the marches, with one sir Walter Welsh, gentleman of the kings privy chamber, came by the kings command to Cawood, to arrest the cardinal, wherein he used that diligence and secresie, that he had placed his guards in the hall, before any escaped to advertise the cardinal thereof. Neither did he, at the earls coming up stairs, receive him in other terms than those of a guest, till entring into a private chamber together, the earl in a low and troubled voice arrested him of High Treason. The dismayed and pensive cardinal stayed a while before he answered, but at last recovering his spirits, demanded the sight of the earls commission, protesting that otherwise he would not obey; urging further, that he was a member of the

college of cardinals at Rome, and so excempt from all princes jurisdiction. But while the earl replied, that he might not shew his commission, sir Walter Welsh, who had now arrested Dr. Augustine the cardinals physician, comes in, and confirms what the earl had said. The cardinal believing, by this time, that they were in good earnest, yields to sir Walter Welsh, as the kings servant, and not to the earl; to whom he said he would not submit himself, before he was better satified of his authority. Which whether he did out of stubbornness to the earl, who had been heretofore educated in his house, or out of despight to mistress Anne Bolen, who (he might conceive) had put this affront upon him, in finding means to employ her antient sutor to take revenge in both their names, doth not appear to me by my author. Howsoever, he protested he was no way faulty in his allegiance. Dr. Augustine, whose offence yet doth not appear to me, was dispatched to London, in the posture of a traitor, his legs tied to his horse. But the cardinal had some respite; though yet commanded to prepare for his journey; which he began at length in that deliberate manner, that if he removed slowly before from the king, he moved now more slowly to him. Insomuch that had not the earl of Shrewsbury, to whom, being the steward of the kings houshold, the earl of Northumberland was commanded to deliver him, till the kings further pleasure were known, told him, that the king commanded he should be used kindly, as one whom he highly favoured; it is probable, that the afflicted cardinal would have fallen under the burthen of his own griefs. Furthermore, the earl assured him on the king's part, that, though his highness could do no less than put him to his Trial, yet that it was more for the satisfying of some persons, than out of mistrust of his traiterous doings.

The Cardinal's last Speech, and Death.

And thus at Sheffield castle, he staid a fortnight, when a wind-colick, which euded in a dysentery, took him. In which state, sir Wm. Kingston, captain of the king's guard, and constable of the Tower, attended with 24 yeomen of the guard (all of them formerly servants to the cardinal) did find him. So that, notwithstanding the many incouragements of the earl, seconded by sir Wm. Kingston (who on his knees saluted him) the cardinal remained still sick and comfortless. Neither did it avail him, that sir Wm. Kingston (on the king's part) gave him many gracious words, adding furthermore, that he should make no more haste than stood with his health and convenience. For the cardinal became still more and more dejected. Notwithstanding, as he considered that delay would but argue guiltiness, so he proceeded in his journey the best he could, till he came to Leicester abbey, where a feever, complicate with his former disease, seizing on him, he languished, not without manifest signs of his end. Being thus upon his bed, sir William Kingston came again to comfort him, but the cardinal, finding now that death would discharge him of all Trials, but that before God, spake to this effect:

'Had I served God as diligently as I have 'done the king, he would not have given me 'over in my gray hairs; but this is my just re-'ward. Notwithstanding, I pray ye commend 'me most humbly to the king, desiring him to 'call to remembrance all matters that have 'past betwixt us, and specially about queen 'Catharine, and then shall his grace know 'whether I have offended him. He is a prince 'of royal courage: but rather than he will want 'or miss any part of his will or pleasure, he will 'endamage the loss of one half of his realm. 'For, I assure you, I have often kneeled before 'him, sometimes the space of three hours, to 'persuade him from his will and appetite, but 'could never dissuade him from it. Therefore master Kingston, I warn you, if ever you 'be of his council (as for your wisdom you are 'meet) that ye be well assured and advised 'what you put in his head, for you shall never 'put it out again.'

After which words, as Cavendish hath them, he began an exhortation to take heed of the Lutherans, 'by the example of those of Bohemia, lest they should likewise subvert the secular power.' But as in the prosecuting of this discourse his speech failed him, so did his breath presently after, insomuch that he died, and was buried there in the Abbey Church, Nov. 30, before day. And not, where he had begun a monument for himself, long since, wherein as appears by our Records he had not omitted his own image, which one Benedetto, a statuary of Florence, took in hand 1524, and continued till 1529, receiving for so much as was already done 4250 ducats. The design whereof was so glorious, that it exceeded far that of Henry 7. Nevertheless, I find the cardinal, when this was finished, did purpose to make a tomb for Henry 8, but dying in this manner, king Henry made use of so much as he found fit, and called it his. Thus did the tomb of the cardinal partake the same fortune with his college, as being assumed by the king; both which yet remain still imperfect. The news of the cardinal's death being brought to our king, did so much afflict him, that he wished it had cost him twenty thousand pounds upon condition he had lived. Howbeit he omitted not to enquire of about one thousand and five hundred pounds, which the cardinal had lately got without that the king could imagine how. So that, till it appeared he borrowed it of divers persons, he might perchance suspect it to be the remainder of some of his ancient acquisitions.

And thus concluded that great cardinal. A man in whom ability of arts, and industry were equally eminent, though, for being employed wholly in ambitious ways, they became dangerous instruments of power in active and mutable times. By these arts yet he found means to govern not only the chief affairs of

this kingdom, but of Europe; there being no potentate, which, in his turn, did not seek to him; and as this procured him divers pensions, so, when he acquainted the king therewith, his manner was, so cunningly to disoblige that prince who did see him last, as he made way thereby oftentimes to receive as much on the other side. But not of secular princes alone, but even of the pope and clergy of Rome he was no little courted; of which therefore he made especial use, while he drew them to second him on most occasions. His birth being otherwise so obscure and mean, as no man had ever stood so single: for which reason also, his chief endeavour was not to displease any great person, which yet could not secure him against the divers pretenders of that time. For as all things passed through his hands, so they who failed in their suits generally hated him, all which, though it did but exasperate his ill nature, yet this good resultance followed, that it made him take the more care to be just; whereof also he obtained the reputation in his publick hearing of causes. For as he loved no body, so his reason carried him. And thus he was an useful minister of his king, in all points, where there was no question of disserving the Roman church; of which (at what price soever) I find he was a zealous servant; as hoping thereby to aspire to the papacy, whereof (as the factious times then were) he seemed more capable than any, had he not so immoderately affected it. Whereby also it was not hard to judge of his inclinations. That prince, who was ablest to help him to this dignity, being ever preferred by him, which therefore was the ordinary bait by which the emperor and French king one after the other, did catch him. And, upon these terms, he doubted not to convey vast treasures out of this kingdom, especially unto Rome, where he had not a few cardinals at his devotion. By whose help, though he could not obtain that supreme dignity he so passionately desired, yet he prevailed himself so much of their favour, as he got a kind of absolute power in spiritual matters at home. Wherewith again he so served the king's turn, as it made him think the less of using his own authority. One error seemed common to both, which was that such a multiplicity of offices and places were invested in him. For as it drew much envy upon the cardinal in particular, so it derogated no little from the regal authority, while one man alone seemed to exhaust all. Since it becometh princes to do like good husbandmen when they sow their grounds, which is, to scatter, and not to throw all in one place. He was no great dissembler, for so qualified a person; as ordering his businesses for the most part so cautiously, as he got more by keeping his word than by breaking it. As for his learning, (which was far from exact) it consisted chiefly in the subtilities of the Thomists, wherewith the king and himself did more often weary than satisfy each other. His style in missives was rather copious than eloquent, yet ever tending to the point. Briefly, if it be true (as Polydore observes) that no man ever did rise with fewer virtues, it is as true, that few that ever fell from so high a place had lesser crimes objected against him. Though yet Polydore (for being at his first coming into England committed to prison by him, as we have said) may be suspected as a partial author. So that in all probability he might have subsisted longer, when either his pride and immense wealth had not made him obnoxious, and suspected to the king, or that other than women had opposed him: Who as they are vigilant and close enemies, so for the most part, they carry their businesses in that manner, they leave fewer advantages against themselves, than men do. In conclusion, as I cannot assent to those who thought him happy for enjoying the untimely compassion of the people a little before his end, so I cannot but account it a principal felicity, that during his favour with the king, all things succeeded better than afterwards, though yet it may be doubted whether the impressions he gave, did not occasion divers irregularities which were observed to follow.

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30. The Trial of Sir THOMAS MORE, knight, Lord Chancellor of England, for High Treason, in denying the King's Supremacy: 26 Henry VIII. A. D. 1535. [Hall. Lord Herbert's Life of Hen. VIII. More's Life of Sir Thomas More.]

A BILL being preferred in parliament, Nov. 1534, to attaint Elizabeth Barton, and several others, of High-Treason, bishop Fisher and sir Thomas More were also brought into it for Misprision of Treason for the refusing of the Oath of Succession—says my lord Herbert. The same author avows the Bill did so pass; but sir Thomas's great-grandson, in his Life, shews the contrary, and that notwithstanding the archbishop of Canterbury, the lord chancellor, duke of Norfolk, and secretary Cromwell, by the king's command, went to him and pressed him to a compliance, yet the chancellor influenced the king so far, that the matter of Misprision was dropt.—Sir Thomas, was also examined at other times by the lord chancellor, dukes of Norfolk and Suffolk, Mr. Secretary, and others of the privy-council, who pressed him, with all the arguments they could think of, to own the king's Supremacy in direct and open terms, or plainly to deny it; but he being loth to aggravate the king's displeasure, would say no more than that the Statute was like a two-edged sword, for if he spoke against

it, he should be the cause of the death of his body; and if he assented to it, he should purchase the death of his soul. Those Examinations being over, Richard Rich, newly made solicitor general, and afterwards lord Rich, with sir Richard Southwell, and Mr. Palmer, Secretary Cromwell's man, were sent by the king to take away his books. Rich, pretending friendship to him, and protesting he had no commission to talk with him about the former affair of the Supremacy, he put a case to him thus: If it were enacted by parliament that Richard Rich should be king, and that it should be Treason in any body to deny it, what offence it were to contravene that Act? Sir Thomas More answered, that he should offend if he said so, because he was bound by the Act; but that this was *casus levis*. Whereupon sir Thomas said, he would propose a higher Case: suppose it were enacted by parliament, *Quod Deus non sit Deus*, and that it were Treason to contravene, whether it were not an offence to say it, according to the said Act? Rich replied, yea; but said withal, I will propose a middle Case, because this is too high: the king, you know, is constituted supreme head of the Church upon earth; why should not you, master More, accept him for such? as you would me, if I were made king by the aforesaid supposition. More answered, the Case was not the same, because, said he, a parliament can make a king, and depose him, and that every parliament-man may give his consent thereunto, but that a subject cannot be bound so in the case of Supremacy. *Quia consensum ab eo ad Parliamentum præbere non potest* (so, says my lord Herbert, it is in my copy if it be not mistaken,) *& quanquam Rex sic acceptus sit in Anglia, plurimæ tamen Partes exteræ idem non affirmant.*

Sir Thomas, having continued a prisoner in the Tower somewhat more than a twelvemonth, for he was committed about the middle of April 1534, and was brought to his Trial on the 7th of May, 1535, he went into the Court leaning on his staff, because he was much weakened by his imprisonment, but appeared with a cheerful and composed countenance. The persons constituted to try him, were, sir Thomas Audley, lord chancellor, Thomas duke of Norfolk, sir John Fitz-James, lord chief justice, sir John Baldwin, sir Richard Leicester, sir John Port, sir John Spelman, sir Walter Luke, sir Anthony Fitz-Herbert.

The Indictment was very long, but where to procure a copy of it, I could never learn; it is said in general, it contained all the Crimes that could be laid to the charge of any notorious malefactor; and sir Thomas professed it was so long, that he could scarce remember the third part of what was objected therein against him. It was read aloud by the Attorney-General; and sir Thomas's mortal sin seemed plainly to be his refusing the Oath of Succession, already mentioned.—To prove this, his double Examination in the Tower was alledged against him, the first before Secretary Cromwell, Thomas Beade, John Tregonnel, &c. to whom he professed he had given over all thoughts of titles either to popes or princes, though the whole world should be given him, he being fully determined only to serve God. The second time before the lord chancellor, the duke of Suffolk, earl of Wiltshire, and others, before whom he compared that Oath to a two-edged sword, as before observed.

Presently after the Indictment was read, the lord chancellor and the duke of Norfolk spoke to him to this effect; 'You see now how grievously you have offended his majesty; yet he is so very merciful, that if you will lay aside your obstinacy, and change your opinion, we hope you may obtain pardon and favour in his sight.' But sir Thomas stoutly replied, 'Most noble lords, I have great reason to return thanks to your honours for this your great civility, but I beseech Almighty God, that I may continue in the mind I am in, through his grace, unto death.'—Then having intimation given that he might say what he thought fit in his own Defence, he began thus: 'When I consider the length of my Accusation, and what heinous matters are laid to my charge, I am struck with fear, lest my memory and understanding, which are both impaired, together with my bodily health, through a long indisposition contracted by my imprisonment, should now fail me so far, as to make me incapable of making such ready Answers in my Defence, as otherwise I might have done.'

The Court being sensible of his weakness, ordered a chair to be brought in, wherein he might seat himself, which he did accordingly, and then went on thus: 'This my Indictment, if I mistake not, consists of four principal Heads, each of which I purpose, God willing, to answer in order. As to the first Crime objected against me, that I have been an enemy out of stubbornness of mind to the king's second Marriage; I confess, I always told his majesty my opinion, according to the dictates of my conscience, which I neither ever would, nor ought to have concealed: for which I am so far from thinking myself guilty of High Treason, that on the contrary, being required to give my opinion by so great a prince in an affair of so much importance, upon which the peace of the kingdom depended; I should have basely flattered him, and my own conscience, had not I spoke the truth as I thought: then indeed I might justly have been esteemed a most wicked subject, and a perfidious Traitor to God. If I have offended the king herein; if it can be an offence to tell one's mind freely when his sovereign puts the question to him; I suppose I have been sufficiently punished already for the fault, by the great afflictions I have endured, by the loss of my estate, and my tedious imprisonment, which has continued already near fifteen months. The second Charge against me is, That I have violated the Act made in the last parliament: that is, being a prisoner, and twice examined, I would not, out of a malignant, perfidious, obstinate and traitorous mind, tell them my opinion,

whether the king was Supreme Head of the Church or not; but confessed then, that I had nothing to do with that Act, as to the justice or injustice of it, because I had no benefice in the Church: yet then I protested, that I had never said nor done any thing against it; neither can any one word or action of mine be alledged, or produced, to make me culpable. Nay, this I own was then my Answer to their honours, that I would think of nothing else hereafter, but of the bitter Passion of our Blessed Saviour, and of my exit out of this miserable world. I wish no body any harm, and if this does not keep me alive, I desire not to live; by all which I know, I would not transgress any law, or become guilty of any treasonable crime: for this Statute, nor no other law in the world can punish any man for his silence, seeing they can do no more than punish words or deeds; 'tis God only that is the judge of the secrets of our hearts.'

The *Attorney General* (Christopher Hales.) 'Sir Thomas, though we have not one word or deed of yours to object against you, yet we have your silence, which is an evident sign of the malice of your heart: because no dutiful subject, being lawfully asked this question, will refuse to answer it.'

Sir *Thomas More*. 'Sir, my silence is no sign of any malice in my heart, which the king himself must own by my conduct upon divers occasions; neither doth it convince any man of the breach of the law; for it is a maxim amongst the Civilians and Canonists, *Qui tacet consentire videtur*, he that holds his peace, seems to give his consent. And as to what you say, that no good subject will refuse to give a direct answer; I do really think it to be the duty of every good subject, except he be such a subject as will be a bad Christian, rather to obey God than man; to be more cautious to offend his conscience, than of any thing else in the whole world; especially if his conscience be not the occasion of some sedition and great injury to his prince and country: for I do here sincerely protest, that I never revealed it to any man alive.—I come now to the third principal Article in my Indictment, by which I am accused of malicious attempts, traitorous endeavours, and perfidious practices against that Statute, as the words therein do alledge, because I wrote, while in the Tower, divers packets of letters to bishop Fisher; whereby I exhorted him to violate the same law, and encouraged him in the like obstinacy. I do insist that these letters be produced and read in court, by which I may be either acquitted or convinced of a lye; but because you say the bishop burnt them all, I will here tell you the whole truth of the matter. Some of my letters related only to our private affairs, as about our old friendship and acquaintance: one of them was in answer to his, wherein he desired me to let him know what Answers I made upon my Examinations concerning the Oath of Supremacy; and what I wrote to him upon it was this, That I had already settled my conscience, and let him satisfy his according to his own mind. God is my witness, and as I hope he will save my soul, I gave him no other answer; and this I presume is no breach of the laws.—As to the principal Crime objected against me, that I should say upon my Examination in the Tower, That this Law was like a two-edged sword; for in consenting to it, I should endanger my soul, and in rejecting it should lose my life: 'tis evidently concluded, as you say, from this Answer, because Fisher made the like, that he was in the same conspiracy. To this I reply, That my Answer there was conditional, if there were both danger either in allowing or disallowing that Act; and therefore, like a two-edged sword, it seemed a hard thing it should be put upon me, who had never hitherto contradicted it either in word or deed. These were my words; what the bishop answered, I know not: if his Answer was like mine, it did not proceed from any conspiracy of ours, but from the similitude of our learning and understanding. To conclude, I do sincerely avouch, that I never spoke a word against this law to any man living, though perhaps the king's majesty has been told the contrary.'

There was little or no reply made to this full Answer, by Mr. Attorney, or any body else; the word Malice was what was principally insisted on, and in the mouths of the whole court, though for proof of it no body could produce either words or actions: nevertheless, to set the best gloss that could be upon the matter, Mr. Rich was called to give evidence in open court upon oath, which he immediately did, affirming what we have already related concerning a conference between him and sir Thomas in the Tower. To which sir Thomas made answer, 'If I were a man, my lords, that had no regard to my oath, I had had no occasion to be here at this time, as is well known to every body, as a criminal; and if this oath, Mr. Rich, which you have taken, be true, then I pray I may never see God's face, which, were it otherwise, is an imprecation I would not be guilty of to gain the whole world.'

More having recited in the face of the Court all the discourse they had together in the Tower, as it truly and sincerely was, he added: 'In good faith, Mr. Rich, I am more concerned for your perjury, than my own danger; and I must tell you, that neither myself, nor any body else to my knowledge, ever took you to be a man of such reputation, that I or any other would have any thing to do with you in a matter of importance. You know that I have been acquainted with your manner of life and conversation a long time, even from your youth to the present juncture, for we lived in the same parish; and you very well know, I am sorry I am forced to speak it, you always lay under the odium of a very lying tongue, of a great gamester, and of no good name and character either there or in the Temple, where you was educated. Can it therefore seem likely to your lordships, that I should in so weighty an affair as this, act so unadvisedly, as to trust Mr. Rich, a man I had always so mean

an opinion of, in reference to his truth and honesty, so very much before my sovereign lord the king, to whom I am so deeply indebted for his manifold favours, or any of his noble and grave counsellors, that I should only impart to Mr. Rich the secrets of my conscience in respect to the king's Supremacy, the particular subject, and only point about which I have been so long pressed to explain myself? which I never did, nor never would reveal, when the Act was once made, either to the king himself, or any of his privy-counsellors, as is well known to your honours, who have been sent upon no other account at several times by his majesty to me in the Tower. I refer it to your judgments, my lords, whether this can seem credible to any of your lordships.—But supposing what Mr. Rich has swore should be true, seeing the words were spoke in familiar and private conversation, and that there was nothing at all asserted, but only cases put without any offensive circumstances; it cannot in justice be said, that they were spoke maliciously, and where there is no malice, there is no offence. Besides, my lords, I cannot think so many reverend bishops, so many honourably personages, and so many virtuous and learned men, of whom the parliament consisted in the enacting of that law, ever meant to have any man punished with death, in whom no Malice could be found, taking the word *Malitia* for *Malevolentia;* for if *Malitia* be taken in a general signification for any crime, there is no man can be free: wherefore this word *Maliciously* is so far significant in this Statute, as the word *Forcible* is in that of *Forcible Entry;* for in that case if any enter peaceably, and puts his adversary out forcibly, it is no offence; but if he enters forcibly, he shall be punished by that Statute.—Besides, all the unspeakable goodness of his majesty towards me, who has been so many ways my singular good and gracious lord, who has so dearly loved and trusted me, even from my first entrance into his royal service, vouchsafing to honour me with the dignity of being one of his privy-council, and has most generously promoted me to offices of great reputation and honour, and lastly to that of lord high-chancellor, which honour he never did to any layman before, the same being the highest dignity in this famous kingdom, and next to the king's royal person, so far beyond my merits and qualifications; honouring and exalting me by his incomparable benignity, for these twenty years and upwards, heaping continual favours upon me; and now at last, at my own humble request, giving me liberty to dedicate the remainder of my life to the service of God for the better saving of my soul, has been pleased to discharge and free me from that weighty dignity; before which he had still heaped more and more honours upon me: I say, all this his majesty's bounty, so long and so plentifully conferred upon me, is enough, in my opinion, to invalidate the scandalous accusation so injuriously surmized and urged by this man against me.'

This touched the reputation of Mr. Rich to the very quick, and was a slur that could not be effaced, without the utmost difficulty; and the only way to do it, was, if possible, to produce substantial and creditable Witnesses to attest the contrary: and therefore he caused sir Rd. Southwell, and Mr. Palmer, who were in the same room with sir Thomas and Mr. Rich when they conferred together, to be sworn as to the words that passed between them. Whereupon Mr. Palmer deposed, 'That he was so busy in thrusting sir Thomas's books into a sack, that he took no notice of their talk.' And sir R. Southwell likewise swore, 'That because his business was only to take care of conveying his books away, he gave no ear to their discourse.'

Sir Thomas having urged other reasons in his own Defence, to the discrediting of Mr. Rich's Evidence; the Judge proceeded to give the Charge to the Jury. Whether sir Thomas had challenged any of the pannel, when they were returned to serve, does not appear; but the twelve persons on whose Verdict his life now depended, were these: sir Thomas Palmer, knt. sir Tho. Peirt, knt. George Lovell, esq. Tho. Burbage, esq. Geoffry Chamber, Edw. Stockmore, Jasper Leake, Wm. Browne, Tho. Billington, John Parnel, Rd. Bellame, George Stoakes, gents.

Now the Jury having withdrawn, scarce were out a quarter of an hour before they returned with their Verdict, by which they found the prisoner Guilty; upon which the lord chancellor, as chief in the Commission for this Trial, immediately began to proceed to judgment: which sir Thomas observing, he said to him, 'My lord, when I was concerned in the law, the practice in such cases was to ask the prisoner before Sentence, whether he had any thing to offer why Judgment should not be pronounced against him.' The lord chancellor hereupon stopping his sentence, wherein he had already proceeded in part, asked sir Thomas. 'What he was able to say to the contrary?' who presently made Answer in these words: 'For as much as, my lords, this Indictment is grounded upon an act of parliament, directly repugnant to the laws of God and his Holy Church, the supreme government of which, or of any part thereof, no temporal person may by any law presume to take upon him, being what of right belongs to the See of Rome, which by special prerogative was granted by the mouth of our Saviour Christ himself to St. Peter, and the bishops of Rome his successors only, whilst he lived, and was personally present here on earth: it is therefore, amongst Catholic Christians, insufficient in law, to charge any Christian to obey it.' And in order to the proof of his assertion, he declared among other things, 'That whereas this kingdom alone being but one member, and a small part of the Church, was not to make a particular law disagreeing with the general law of Christ's universal Catholic Church, no more than the city of London, being but one member in respect to the whole

kingdom, might enact a law against an act of parliament, to be binding to the whole realm; so he shewed farther, That law was even contrary to the laws and statutes of the kingdom, yet unrepealed, as might evidently be seen by Magna Charta, wherein are these words; *Ecclesia Anglicana libera sit, & habeat omnia jura integra, & libertates suas illæsas*: and it is contrary also to that sacred Oath which the king's majesty himself, and every other Christian prince, always take with great solemnity, at their coronations. So great was sir Thomas's zeal, that he further alledged, that it was worse in the kingdom of England to refuse obedience to the See of Rome, than for any child to do to his natural parent: for as St. Paul said to the Corinthians, 'I have regenerated you, my children, in Christ:' so might that worthy Pope of Rome, St. Gregory the Great, say of us Englishmen, 'Ye are my Children, because I have given you everlasting Salvation:' for by St. Augustine and his followers, his immediate messengers, England first received the Christian faith, which is a far higher and better inheritance than any carnal father can leave to his children: for a son is only by generation, we are by regeneration made the spiritual children of Christ and the Pope.'

Here the Lord Chancellor took him up, and said: 'That seeing all the bishops, Universities, and the most learned men in the kingdom had agreed to that Act, it was much wondered that he alone should so stiffly stickle, and so vehemently argue there against it.' His Answer was, 'That if the number of Bishops and Universities were so material as his lordship seemed to make it: then, my lord, I see no reason why that thing should make any change in my conscience: for I doubt not, but of the learned and virtuous men now alive, I do not speak only of this realm, but of all Christendom, there are ten to one of my mind in this matter; but if I should take notice of those learned doctors and virtuous fathers that are already dead, many of whom are saints in heaven, I am sure there are far more, who all the while they lived thought in his case as I do now. And therefore, my lord, I do not think myself bound to conform my conscience to the counsel of one kingdom, against the general consent of all Christendom.'

Here it seems the Lord Chancellor not willing to take the whole load of his condemnation upon himself, asked in open court the advice of sir John Fitz-James, the lord chief justice of England, Whether the Indictment was valid or no? who wisely answered thus: 'My lords, all, by St. Gillian' (for that was always his oath) 'I must needs confess that if the act of parliament be not unlawful, then the Indictment is not in my conscience invalid.' Some have wrote, That the Lord Chancellor should hereupon say, *Quid adhuc desideramus testimonium, reus est mortis*, and then presently proceeded to give Sentence to this effect: 'That he should 'be carried back to the Tower of London, by 'the help of William Kingston, sheriff, and 'from thence drawn on a hurdle through the 'city of London to Tyburn, there to be hanged 'till he should be half dead; that then he 'should be cut down alive, his privy parts cut 'off, his belly ripped, his bowels burnt, his four 'quarters set up over four gates of the city, 'and his head upon London-Bridge.'

This was the Judgment pronounced upon this great man, who had deserved so well both of the king and kingdom, and for which Paulus Jovius calls king Henry 8, another Phalaris. This severe Sentence was afterwards, by the king's pardon, changed to beheading, because he had borne the greatest office in the kingdom; of which mercy of the king's, word being brought to sir Thomas, he merrily said, 'God forbid the king should use any more such mercy to any of my friends, and God bless all my posterity from such pardons.' When he had received Sentence of Death, he spake thus with a resolute and sedate aspect: 'Well, seeing I am condemned, God knows how justly, I will freely speak for the disburdening my conscience, what I think of this law. When I perceived it was the king's pleasure to list out from whence the Pope's authority was derived, I confess I studyed seven years together to find out the truth of it, and I could not meet with the works of any one doctor, approved by the Church, that avouch a laymen was, or ever could be the Head of the Church.'

Chancellor. 'Would you be esteemed wiser, or to have a sincerer conscience than all the bishops, learned doctors, nobility and commons of this realm?'

More. 'I am able to produce against one bishop which you can produce on your side, a hundred Holy and Catholick bishops for my opinion; and against one realm, the consent of Christendom for a thousand years.'

Norfolk. 'Sir Thomas, you shew your obstinate and malicious mind.'

More. 'Noble sir, it is no malice or obstinacy that makes me say this, but the just necessity of the cause obliges me to it for the discharge of my conscience; and I call God to witness, that nothing but this has excited me to it.'

After this the Judges kindly offering him their favourable audience if he had any thing else to say; he answered most mildly and charitably, 'I have no more to say, but that as the blessed Apostle St. Paul, as we read in the Acts of the Apostles, was present, and consenting to the protomartyr Stephen, keeping their clothes that stoned him to death, and yet they are both now holy saints in heaven, and there shall continue friends to eternity; so I verily trust, and shall therefore heartily pray, that albeit your lordships have been on earth my Judges to condemnation, yet that we may hereafter meet joyfully together in Heaven to our everlasting salvation: and God preserve you, especially my sovereign lord the king, and grant him faithful counsellors.'

Sir Thomas, after his Condemnation, was conducted from the bar to the Tower, an axe

being carryed before him, with the edge towards him.

Sir Thomas More having remained a prisoner in the Tower about a week after his Sentence, on the 6th of July early in the morning, his old friend sir Thomas Pope came to him with a message from the king and council, to acquaint him, That his Execution was appointed to be before nine that morning. Whereupon sir Thomas said, 'He thanked him heartily for his good news. I have been,' says he, 'much obliged to his majesty for the benefits and honours he has most bountifully conferred upon me; yet I am more bound to his grace I do assure you, for confining me in this place, where I have had convenient place and opportunity to put me in mind of my last end. I am most of all bound to him, that his majesty is pleased to rid me out of the miseries of this wretched world.' Then sir Thomas Pope acquainted him, it was the king's pleasure he should not use many words at the place of execution. 'Sir,' said he, 'you do well to acquaint me with the king's pleasure; for I had otherwise designed to have made a speech to the people; but it matters not, and I am ready to conform myself to his highness's pleasure. And I beseech you, sir, you would become a suitor to his majesty, that my daughter Margaret may attend my funeral.' To which Pope replyed, That the king was willing his wife and children, and other friends should be present. Sir Thomas Pope being about to take his leave, could not refrain from tears. Whereupon sir Thomas More said, 'Let not your spirits be cast down, for I hope we shall see one another in a better place, where we shall be free to live and love in eternal bliss.' And to divert Pope's grief, he took up his urinal and shook it, saying merrily, 'I see no danger but that this man may live longer, if the king pleases.'

About nine he was brought out of the Tower; his beard was long, his face pale and thin, and carrying a red cross in his hand, he often lift up his eyes to heaven; a woman meeting with him with a cup of wine, he refused it, saying, 'Christ at his Passion drank no wine, but gall and vinegar.' Another woman came crying, and demanded some Papers she said she had left in his hands, when he was lord chancellor, to whom he said, 'Good woman, have patience but for an hour, and the king will rid me of the care I have for those Papers, and every thing else.' Another woman followed him, crying, he had done her much wrong when he was lord chancellor, to whom he said, 'I very well remember the Cause, and if I were to decide it now, I should make the same Decree.'

When he came to the scaffold, it seemed ready to fall; whereupon he said merrily to the Lieutenant, 'Pray, Sir, see me safe up; and as to my coming down, let me shift for myself.' Being about to speak to the people, he was interrupted by the sheriff, and thereupon he only desired the people to pray for him, and bear witness he died in the faith of the Catholic Church, a faithful servant both to God and the king. Then kneeling, he repeated the *Miserere* Psalm with much devotion; and rising up, the Executioner asked him forgiveness. He kissed him, and said, 'Pluck up thy spirits, man, and be not afraid to do thine office; my neck is very short, take heed therefore thou strike not awry for saving thine honesty.' Laying his head upon the block, he bid the executioner stay till he had put his beard aside, for that had committed no Treason. Thus he suffered with much chearfulness; his head was taken off at one blow, and was placed upon London-Bridge, where having continued for some months, and being about to be thrown into the Thames to make room for others, his daughter Margaret bought it, inclosed it in a leaden box, and kept it for a relique.

It is said, when news of his death was brought to the king who was at that time playing at tables, Anne Bullen looking on, he cast his eye upon her, and said, 'Thou art the cause of this man's death:' and presently leaving his play he betook himself to his chamber, and thereupon, fell into a fit of melancholy. More's great grandson, in his 'Life,' relates that money was miraculously supplied for the purchase of his winding sheet, and that one of his teeth preserved as a relic was miraculously converted into two.

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31. The Trial of JOHN FISHER, Bishop of Rochester, before Commissioners of Oyer and Terminer, at Westminster, for High Treason: 26 Hen. VIII. A. D. 1535. [Dr. Bailey's Life of Bishop Fisher, p. 188.]

["The reverend prelate, whose Trial we now offer to the reader, was one of the most eminent sufferers in the reign of Henry 8th, for opposing the king's Divorce from his first queen, and his claim to the Supremacy over the Church of England. Opinions so averse to that prince's views and passions, involved the bishop in three different prosecutions. The first was on a charge of Misprision of Treason, in concealing the predictions against the king, made by the famous visionary Elizabeth Barton, known by the name of the Holy Maid of Kent; one of whose prophecies denounced, that, if the king did not desist from the Divorce, but married again, he should not continue king more than a month after. For this offence the bishop was included in the Act for punishing Elizabeth Barton and her accomplices; but was one of those, whom the act attainted of Mispri-

sion of Treason only. This Act was passed in Jan. 1533-4. See 25 Hen. 8. c. 12. Rastall's edit. of Stat. The same parliament passed a law, which declared Henry's first marriage void, confirmed his marriage with Anna Bolloigne, made it treason to do or say any thing in derogation from the latter marriage, and required every person to take an oath to adhere to the contents of the statute, making it misprision of treason to refuse the oath. 25 Hen. 8. c. 22. and 26 Hen. 8. c. 2. It was for refusing the oath formed on the 25 Hen. 8. that the bishop endured a second prosecution; for on that account the next parliament attainted him of misprision of treason, and deprived him of his bishoprick. See 26 Hen. 8. c. 3. of private acts. The third prosecution, which terminated with the bishop's life, soon followed. The statute of the 26 Hen. 8. annexed the title of Supreme Head of the Church to the crown; and by another statute of the same parliament, it was made High Treason by words or writing to attempt depriving the king of any of his titles. 26 Hen. 8. c. 1. and 13. The operation of these two last statutes gave the opportunity of reaching the life of the bishop, who, as will appear from the following Trial, having been ensnared into a denial of the king's being supreme head of the church, after the accession of that title, was therefore deemed to come within the succeeding statute, which made it treason to deny the king any of his titles.—The following Trial is extracted from a very scarce book, which was printed in 1655, with a title describing it as the Life of bishop Fisher, by Dr. Thomas Bailey. But the real author, according to bishop Tanner and others, was Dr. Richard Hall, who wrote several pieces in the reign of Elizabeth. Tann. Bibliothec. Britannic. Hibern. voce Hall Edwardus. In number 7049 of the Harleian MSS. at the British Museum, there is a Life of bishop Fisher, which contains an account of his Trial in the same words as the printed life. —It is proper to apprize the reader, that the book, whence we borrow the Trial, was certainly written by a very zealous Roman Catholic, and that on other accounts he should be believed with caution. The writer throughout strenuously supports the Pope's claim of the Supremacy. He relates a very improbable story of queen Anna Bolleyne, accusing her of great indignity to the head of bishop Fisher after his execution, and of even striking it. His book is also full of miracles; one of which is, that, though the bishop's head was parboiled, and the weather was very warm, when exhibited on London-Bridge, it not only continued fourteen days without wasting, but in that time daily grew so much fresher, that the bishop was never seen to look so well. However, so far as regards the relation of the Trial, it must be confessed, that it carries with it great appearance of truth; and more especially seems to deserve credit, because the hard measure it represents the bishop to have experienced at his trial, so much resembles what we read in the trial of his eminent fellow-sufferer sir Thomas More. Nor in these liberal and humane times can we imagine, that many will be found, however averse to bigotry and superstition, who will not concur in the sentiment, that the proceedings against both sir Thomas and the bishop were attended with extreme cruelty and injustice. This censure more particularly belongs to the bishop's case. His crime was simply an opinion against the king's supremacy, which he was urged to give by a message from his sovereign, who at the same time sent a promise of indemnity. If this was really so, which there seems too much reason to believe, the bishop's death was one of the worst passages which polluted the reign of Henry; because the injustice of the case was highly aggravated by superadding insidiousness and breach of faith. What an idea must we form of a prince, who could stoop to devise such unworthy means to accomplish his cruel purpose? What must we think of the subject, who could be so void of feeling, as to become the instrument of such perfidy? What must we conceive of the times, in which judges and juries could be found to give the form and colour of justice on such bad proceedings?" Hargrave.]

AFTER this good bishop was recovered to some better strength, by the help of his physicians, and that he was more able to be carried abroad, he was on Thursday the 17th of June brought to the King's Bench at Westminster, from the Tower, with a huge number of holberts, bills, and other weapons about him, and the ax of the Tower born before him with the edge from him, as the manner is; and because he was not yet so well recovered, that he was able to walk by land all the way on foot, he rode part of the way on horseback in a black cloth gown, and the rest he was carried by water, for that he was not well able to ride through for weaknesse. As soon as he was come to Westminster, he was there presented at the barre before the commissioners being all set ready in their places against his coming, whose names were these: sir Thomas Audely, knight, lord chancellor of England; Charles duke of Suffolk; Henry earle of Comberlande; Thomas earle of Wiltshire; Thomas Cromwell secretary; sir John Fitz-James chief justice of England; sir John Baldwin chief justice of the Common Pleas; sir Wm. Pawlet; sir Rd. Lyster chief baron of the exchequer; sir John Port, sir John Spilman, and sir Walter Luke, late justices of the King's Bench; and sir Anthony Fitzherbert one of the justices of the Common Pleas. Being thus presented before these commissioners, he was commanded, by the name of John Fisher late of Rochester, clerk, otherwise called John Fisher bishop of Ro-

chester, to hold up his hand, which he did, with a most cheerful countenance and rare constancy. Then was his Indictment read, which was very long and full of words; but the effect of it was thus, That he maliciously, treacherously, and falsely, had said these words, 'The king, our sovereigne lord, is not Supreme Head in the earth of the Church of England, and being read to the end, it was asked him, whether he was guilty of this treason or no? Whereunto he pleaded, Not Guilty. Then was a Jury of twelve men (being free-holders of Middlesex) called to try this issue, whose names were these: sir Hugh Vaughan knt. sir Walter Langford knt. Tho. Burbage, John Nudygate, Wm. Browne, John Hewes, Jasper Leak, John Palmer, Rd. Henry Young, Henry Lodisman, John Elrington, and George Hevening-ham, esquires. These twelve men being sworne to trie whether the prisoner were guilty of this treason or no, at last came forth to give evidence against him Mr. Rich. the secret and close messenger that passed between the king and him, as ye have read before, who openly, in the presence of the judges, and all the people there assembled, deposed and swore, that he heard the prisoner say in plaine words, within the Tower of London, that he believed in his conscience, and by his learning he assuredly knew, that the king neither was, nor by right, could be Supreme Head in earth of the church of England. When this blessed father heard the accusations of this most wretched and false persón, contrary to his former oath and promise, he was not a little astonished thereat; wherefore he said to him in this manner: 'Mr. Rich, I cannot but mervaile to hear you come in, and bear witness against me of these words, knowing in what secret manner you came to me: but suppose I so said unto you, yet in that saying I committed no treason; for upon what occasion, and for what cause it might be said, your self doth know right well; and therefore being now urged (said he) by this occasion, to open somewhat of this matter, I shall desire my lords, and others here, to take a little patience in hearing what I shall say for myself.'

'This man' (meaning Mr. Rich) 'come to me from the king, as he said, on a secret message with commendations from his grace, declaring at large, what a good opinion his majesty had of me, and how sorry he was of my trouble, with many more words than are here needful to be recited, because they tended so much to my praise, as I was not onely ashamed to hear them, but also knew right well that I could no way deserve them. At last he broke with me of the matter of the king's supremacy, lately granted unto him by act of parliament, to the which he said, Although all the bishops in the realme have consented, except your selfe alone, and also the whole court of parliament, both spirituall and temporall, except a very few; yet he told me, that the king, for better satisfaction of his owne conscience, had sent him unto me in this secret manner, to know my full opinion in the matter, for the great affiance he had in me more than any other. He added further, that if I would herein frankly and freely advertise his majesty my knowledge, that upon certificate of my misliking, he was very like to retract much of his former doings, and make satisfaction for the same, in case I should so advertise him. When I had heard all this message, and considered a little upon his words, I put him in minde of the new act of parliament, which standing in force as it doth against all them that shall directly say, or do any thing that is against it, might thereby endanger me very much, in case I should utter unto him any thing that were offensive against the law. To that he told me, that the king willed him to assure me on his honour, and in the word of a king, that whatever I should say unto him by this his secret messenger, I should abide no danger, no perill for it, neither that any advantage should be taken against me for the same, no, although my words were never so directly against the statute, seeing it was but a declaration of my minde secretly to him, as to his owne person: and for the messenger himselfe, he gave me his faithfull promise that he would never utter my words in this matter to any man living, but to the king alone. Now therefore, my lords, quoth he, seeing it pleased the king's majesty to send to me thus secretly under the pretence of plaine and true meaning, to know my poore advice and opinion in these his weighty and great affaires, which I most gladly was and ever will be willing to send him in; methinks it is very hard injustice to heare the messenger's accusation, and to allow the same as a sufficient testimony against me in case of treason.'

To this the messenger made no direct answer, but (neither denying his words as false, nor confessing them as true) said, that whatever he had said unto him on the king's behalf, he said no more than his majesty commanded; and, said he, if I had said to you in such sort as you have declared, I would gladly know what discharge this is to you in law against his majesty, for so directly speaking against the statute; whereat some of the Judges taking quick hold one after another, said, That this message, or promise from the king to him, neither cou'd, nor did by rigour of the law, discharge him: but in so declaring of his minde and conscience against the supremacy, yea though it were at the king's own commandment or request, he committed treason by the statute, and nothing can discharge him from death but the king's pardon.

This good father perceiving the small account made of his words, and the favourable credit given to his accuser, might then easily finde in which doore the wind blew. Wherefore directing his speeches to the lords his judges, he said, 'Yet I pray you, my lords, consider, that by all equity, justice, worldly honesty, and courteous dealing, I cannot, as the case standeth, be directly charged therewith as with treason, though I had spoken the words indeed, the same being not spoken maliciously, but in the

way of advice and counsell, when it was requested of me by the king himself; and that favour the very words of the statute do give me, being made onely against such as shall maliciously gainsay the king's supremacy, and none other: wherefore, although by rigour of law, you may take occasion thus to condemn me, yet I hope you cannot finde law, except you adde rigour to that law, to cast me downe, which herein I hope I have not deserved.' To which it was answered by some of the judges, that the word *maliciously* is but a superfluous and void word; for if a man speak against the king's supremacy by any manner of meanes, that speaking is to be understood, and taken in law as maliciously.

'My lords,' said he, 'if the law be so understood, then it is a hard exposition, and, as I take it, contrary to the meaning of them that made the law. But then let me demand this question, whether a single testimony of one man may be admitted as sufficient to prove me guilty of Treason for speaking these words, or no? and whether my answer, negatively, may not be accepted against his affirmative, to my availe and benefit, or no?' To that the judges and lawyers answered (that being the king's case) it rested much in the conscience and discretion of the jury; and as they upon the evidence given before them shall finde it, you are either to be acquitted, or else by judgment to be condemned. The Jury having heard all this simple evidence, departed, according to the order, into a secret place, there to agree upon the Verdict; but before they went from the place, the case was so aggravated to them by my lord chancellour, making it so hainous and dangerous a treason, that they easily perceived what verdict they must returne; otherways heap such danger upon their owne heads, as none of them were willing to undergo. Some other of the commissioners charged this most reverend man with obstinacy and singularity, alledging, that he being but one man, did presumptuously stand against that, which was in the great councell of parliament agreed upon, and finally was consented unto by all the bishops of this realme, saving himselfe alone. But to that he answered, 'That indeed he might well be accounted singular, if he alone should stand in this matter (as they said): but having on his part the rest of the bishops in Christendome, far surmounting the number of the bishops of England, he said they could not justly account him singular. And having on his part all the Catholicks and bishops of the world from Christ's ascension, till now, joyned with the whole consent of Christ's universall church, I must needs account mine own part farre the surer: and as for obstinacy, which is likewise objected against me, I have no way to cleare myself thereof, but my owne solemne word and promise to the contrary, if you please to believe it, or else, if that will not serve, I am here ready to confirme the same by my oath.' Thus, in effect, he answered their objections, though with many more words, both wisely and profoundly uttered, and that with a mervailous, couragious, and rare constancy, insomuch as many of his hearers, yea some of his Judges, lamented so grievously, that their inward sorrow in all sides was expressed by the outward teares in their eyes, to perceive such a famous and reverend man in danger to be condemned to a cruell death, upon so weak evidence given by such an accuser, contrary to all faith and promise of the king himself. But all pity, mercy, and right, being set aside, rigour, cruelty, and malice, took place; for the twelve men being shortly returned from their consultation, Verdict was given that he was Guilty of the Treason, which although they thus did, upon the menacing and threatning words of the commissioners, the king's learned councell, yet was it, no doubt, full sore against their conscience, as some of them would after report, to their dying daies, onely for safety of their goods and lives, which they were well assured to lose, in case they had acquitted him. After the Verdict thus given by the twelve men, the lord chancellour, commanding silence to be kept, said unto the prisoner in this sort, 'My lord of Rochester, you have been here arraigned of High Treason, and putting your selfe to the triall of twelve men, you have pleaded Not Guilty, and they notwithstanding have found you Guilty in their conscience; wherefore, if you have any more to say for your selfe, you are now to be heard, or else to receive judgment according to the order and course of law.' Then said this blessed father againe, 'Truly, my lord, if that which I have before spoken be not sufficient, I have no more to say, but onely to desire Almighty God to forgive them that have thus condemned me, for I think they know not what they have done.' Then my lord chancellour, framing himselfe to a solemnity in countenance, proclaimed Sentence of death upon him, in manner and forme following: 'You shall be led to the place from whence you came, and from thence shall be drawn through the city to the place of execution at Tyborne, where your body shall be hanged by the neck, half alive you shall be cut down and throwne to the ground, your bowels to be taken out of your body before you, being alive, your head to be smitten off, and your body to be divided into four quarters, and after your head and quarters to be set up, where the king shall appoint; and God have mercy upon your soule.'

After the pronouncing of this cruell Sentence, the lieutenant of the Tower, with his band of men, stood ready to receive and carry him back again to his prison. Before his departure he desired audience of the commissioners for a few words, which being granted, he said thus in effect: 'My lords, I am here condemned before you of High Treason, for deniall of the king's Supremacy over the Church of England, but by what order of justice I leave to God, who is the searcher both of the king's majesty's conscience and yours. Nevertheless, being found guilty (as it is termed) I am, and

must be contented with all that God shall send, to whose will I wholly referre and submit myselfe. And now to tell you more plainly my minde, touching this matter of the king's Supremacy, I think indeed, and alwaies have thought, and do now lastly affirm that his grace cannot justly claime any such supremacy over the church of God, as he now taketh upon him, neither hath it ever been seen or heard of, that any temporall prince before his daies, hath presumed to that dignity. Wherefore if the king will now advonture himselfe in proceeding in this strange and unwonted case, no doubt but he shall deeply incurre the grievous displeasure of Almighty God, to the great dammage of his owne soule, and of many others, and to the utter ruine of this realme, committed to his charge, whereof will ensue some sharp punishment at his hand: wherefore I pray God his grace may remember himselfe in time, and hearken to good counsell, for the preservation of himselfe and his realme, and the quietnesse of all Christendome.' Which words being ended, he was conveyed back againe to the Tower of London, part on foot, and part on horseback, with a number of men, bearing holberts and other weapons about him, as was before at his coming to arraignment: and when he was come to the Tower-gate, he turned him back to all his traine that had thus conducted him forward and backward, and said unto them, 'My masters, I thank you all for the great labour and paines you have taken with me this day: I am not able to give you any thing in recompence, for I have nothing left; and therefore I pray you accept in good part my hearty thanks.' And this he spake with so lusty a courage, so amiable a countenance, and with so fresh and lively a colour, as he seemed rather to have come from some great feast, or banquet, than from his arraignment, shewing by all his gesture and outward countenance, nothing else but joy and gladnesse.

Thus being after his condemnation, the space of three or four daies, in his prison, he occupied himselfe in continual prayer most fervently; and although he looked daily for death, yet could ye not have perceived him one whit dismayed thereat, neither in word nor countenance, but still continued his former trade of constancy and patience, and that rather with a more joyfull cheere and free minde than ever he had done before, which appeared well by this chance that I will tell you: there hapned a false rumour to rise sodainely among the people, that he should be brought to his execution by a certain day; whereupon his cook, that was wont to dresse his dinner, and carry it daily unto him, hearing, among others, of his execution, dressed him no dinner at all that day; wherefore at the cook's next repaire unto him, he demanded the cause why he brought him not his dinner as he was wont to doe: Sir, said the cook, it was commonly talked all the towne over, that you should have died that day, and therefore I thought it but vaine to dresse any thing for you. Well, said he merrily unto him againe, for all that report thou seest me yet alive, and therefore whatsoever newes thou shalt heare of me hereafter, let me no more lack my dinner, but make it ready as thou art wont to do; and if thou see me dead when thou comest, then eat it thy selfe: but I promise thee, if I be alive, I minde, by God's grace, to eat never a bit the lesse.

Thus while this blessed bishop lay daily expecting the houre of his death, the king, who no lesse desired his death than himselfe looked for it, caused at last a writ of execution to be made, and brought to sir Edmond Walsingham lieutenant of the Tower. But where by his judgement at Westminster, he was condemned, as ye have read before, to drawing, hanging, and quartering, as traitors alwaies use to be, yet was he spared from that cruell execution. Wherefore order was taken that he should be led no further than Tower-hill, and there to have his head struck off.—After the lieutenant had received this bloody writ, he called unto him certaine persons, whose service and presence were to be used in that businesse, commanding them to be ready against the next day in the morning: and because that was very late in the night, and the prisoner asleep, he was loath to disease him of his rest for that time; and so in the morning before five of the clock, he came to him in his chamber in the Bell-tower, finding him yet asleep in his bed, and waked him, shewing him that he was come to him on a message from the king; and after some circumstance used with perswasion that he should remember himself to be an old man, and that for age he could not, by course of nature, live long; he told him at last, that he was come to signifie unto him, that the king's pleasure was he should suffer death that forenoone. Well, quoth this blessed father, if this be your errand, you bring me no great newes, for I have long time looked for this message, I most humbly thank his majesty, that it pleaseth him to rid me from all this worldly businesse; and I thank you also for your tidings. But I pray you, Mr. Lieutenant, said he, when is mine houre that I must go hence? Your houre, said the lieutenant, must be nine of the clock. And what houre is it now, said he? It is now about five, said the lieutenant. Well then, said he, let me by your patience, sleep an houre or two, for I have slept very little this night: And yet to tell you the truth, not for any feare of death, I thank God, but by reason of my great infirmity and weaknesse. The king's further pleasure is, said the lieutenant, that you should use as little speech as may be, especially any thing touching his majesty, whereby the people should have any cause to think of him or his proceedings otherwise than well. For that, said he, you shall see me order myself, as, by God's grace, neither the king, nor any man else, shall have occasion to mislike my words. With which answer the lieutenant departed from him; and so the prisoner falling againe to rest, slept soundly two houres and more. And after he

was waked, he called to his man to help him up: but first of all he commanded him to take away the shirt of haire (which accustomably he wore on his back) and to convey it privily out of the house, and instead thereof to lay him forth a clean white shirt, and all the best aparrell he had, as cleanly brushed as may be: and as he was arraying himselfe, his man perceiving in him more curiosity and care for the fine and cleanly wearing of his aparrell that day, than ever was wont to be before, demanded of him what this sodain change meant, saying that his lordship knew well enough he must put off all againe within two houres, and lose it. What of that, said he? Doest thou not mark, that this is our marriage-day, and that it behoveth us therefore to use more cleanlinesse for solemnity of the marriage-sake?

About nine of the clock the lieutenant came againe to his prisoner, and finding him almost ready, said that he was come now for him. I will wait upon you straight, said he, as fast as this thin body of mine will give me leave. Then said he to his man, Reach me my furred tippet to put about my neck. O my lord, said the lieutenant, what need you be so carefull for your health for this little time, being, as your self knoweth, not much above an houre? I think no otherwise, said this blessed father, but yet in the mean time I will keep myselfe as well as I can, till the very time of my execution: for I tell you truth, though I have, I thank our Lord, a very good desire, and a willing minde, to die at this present, and so trust of his infinite mercy and goodnesse he will continue it, yet will I not willingly hinder my health, in the mean time, one minute of an houre, but still prolong the same as long as I can, by such reasonable waies and meanes as Almighty God hath provided for me. With that taking a little book in his hand, which was a New Testament lying by him, he made a crosse on his forehead, and went out of his prison-doore with the lieutenant, being so weak that he was scarce able to go downe staires: wherefore at the staires foot he was taken up in a chaire between two of the lieutenants men, and carried to the Tower-gate, with a great number of weapons about him, to be delivered to the sheriffs of London for execution. And as they were come to the uttermost precinct of the liberty of the Tower, they rested there with him a space, till such time as one was sent before to know in what readinesse the sheriffs were to receive him;' during which space he rose out of his chaire, and standing on his feet leaned his shoulders to the wall, and lifting his eyes towards heaven, opened his little book in his hand, and said, 'O Lord, this is the last time that ever I shall open this book; let some comfortable place now chance unto me, whereby I thy poore servant may glorifie thee in this my last houre; and with that, looking into the book, the first thing that came to his sight were these words, *Hæc est autem vita æterna, ut cognoscant te, solum verum Deum, & quem misisti Jesum Christum. Ego te glorificavi super terram, opus consummavi quod dedisti mihi ut faciam: Et nunc clarifica tu me, Pater, apud temet ipsum claritate quam habui priusquam, &c.* and with that he shut the book together, and said, 'Here is even learning enough for me to my live's end.' And so the sheriffs being ready for him, he was taken up again among certain of the sheriffs men, with a new and much greater company of weapons than was before, and carried to the scaffold on the Tower-hill, otherwise called East-Smithfield, himselfe praying all the way, and recording upon the words which he before had read; and when he was come to the foot of the scaffold, they that carried him offered to help him up the staires. But then said he, Nay, masters, seeing I am come so farre, let me alone, and ye shall see me shift for myself well enough; and so went up the staires without any helpe, so lively, that it was merveile to them that knew before of his debility and weaknesse; but as he was mounting up the staires, the south-east sun shining very bright in his face, whereupon he said to himselfe these words, lifting up his hands, *Accedite ad eum, & illuminamini, & facies vestra non confundetur.* By that time he was upon the scaffold it was about ten of the clock; where the executioner being ready to do his office, kneeled downe to him, as the fashion is, and asked him forgivenesse: 'I forgive thee, said he, with all my heart, and I trust thou shalt see me overcome this storme lustily.' Then was his gown and tippet taken from him, and he stood in his doublet and hose, in sight of all the people, whereof was no small number assembled to see his execution. There was to be seen a long, lean, and slender body, having on it little other substance besides skin and bones, insomuch as most of the beholders merveiled to see a living man so farre consumed, for he seemed a very image of death, and as it were death in a man's shape, using a man's voice; and therefore it was thought the king was something cruell to put such a man to death, being so neere his end, and to kill that which was dying already, except it were for pity sake to rid him of his pain.

When the innocent and holy man was come upon the scaffold, he spake to the people in effect as followeth: 'Christian people, I am come hither to die for the faith of Christ's holy Catholique church; and I thank God hitherto my stomack hath served me very well thereunto, so that yet I have not feared death; wherefore I desire you all to help and assist with your prayers, that at the very point and instant of death's stroke, I may in that very moment stand stedfast, without fainting in any one point of the Catholique faith, free from any fear. And I beseech Almighty God of his infinite goodnesse, to save the king and this realme, and that it may please him to hold his hand over it, and send the king good councel.'

These or the like words he spake, with such a cheerefull countenance, such a stout and constant courage, and such a reverend gravity, that he appeared to all men not only void of feare,

but also glad of death. Besides this, he uttered his words so distinctly, and with so loud and cleare a voice that the people were astonished thereat, and noted it for a miraculous thing, to heare so plain and audible a voice come from so weak and sickly an old body; for the youngest man in that presence, being in good and perfect health, could not have spoken to be better heard and perceived, than he was. Then after these few words by him uttered he kneeled down on both his knees, and said certain prayers, among which one was the hymn of *Te Deum laudamus*, to the end, and the psalm of *In te, Domine, speravi*. Then came the executioner, and bound a handkerchief about his eyes; and so this holy father lifting up his hands and heart towards heaven, said a few prayers, which were not long, but fervent, and devout: which being ended, he laid his head down on the middle of a little block, where the executioner being ready with a sharp and heavy ax cut asunder his slender neck at one blow, which bled so abundantly, that many wondered to see so much blood issue out of so slender and leane a body. He was beheaded June 22, 1535, in the 80th year of his age. Lord Herbert says that "the Pope (Paul 3rd) sent him a cardinal's hat, but unseasonably, his head being off." There is a story, that when Henry heard of the Pope's intention to send him a hat, he exclaimed, "Fore God, then, he shall wear it on his shoulders, for I'll have his head off."

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32. The Trial of WILLIAM Lord DACRES of the North, for High Treason, in the Court of the Lord High Steward: 27 Henry VIII. A. D. 1535. [Hall and Lord Herbert's Hen. VIII.]

["This Trial is taken notice of in most of the old Chronicles, and also in one of the Harleian manuscripts; but Hall's is the book, from which the others transcribe. We therefore present our readers with an extract from him, to which we add one from lord Herbert's Henry the 8th, as the latter is more explanatory. But both accounts are so short, that we fear they will be deemed too trivial for insertion. Against such a censure, we have only to say, that it is the fact of lord Dacres's acquittal, which was our chief inducement for admitting the mention of this Trial into the collection. In ancient times, more especially in the reign of Henry 8th, when, from the devastation made by the civil wars amongst the ancient nobility, and other causes disturbing the balance of the constitution, the influence of the crown was become exorbitant, and seems to have been in its zenith, to be accused of a crime against the state and to be convicted were almost the same thing. The one was usually so certain a consequence of the other, that, exclusively of lord Dacres's Case in the reign of Henry 8th, and that of sir Nicholas Throckmorton in his daughter Mary's, the examples to the contrary are very rare. But those which do occur ought to be remembered in justice to the times they belong to, as a sort of balance for the reproach deservedly cast upon them, for the culpable facility of condemnation so conspicuous in most other instances." Hargrave.]

Extract from Hall's Hen. VIII. p. 225.

THE nynth day of July was the lorde Dacres of the north arreigned at Westminster of High Treason, where the duke of Norffolke sate as judge and high steward of England. The sayd lorde Dacres beyng brought to the barre with the axe of the Tower before him, after his inditement red, not only improved the sayd inditement as false and maliciously devised against him, and answered every part and matter herin contained, but also so manly, wittily, and directly confuted his accusors, whiche there were ready to avouche their accusacions, that to their great shames, and to his great honor, he was found that day by his peres not giltie, whiche undoubtedly the commons excedyngly joyed and rejoysed of, insomuche as there was in the hall at those woordes, 'Not giltie,' the greatest shoute and crye of joy that the like no man livyng may remembre that ever he heard.

Extract from lord Herbert's Henry VIII. in 2 Kenn. Compl. Hist. p. 177.

The lord Dacres of the north (July 9, as our historians have it) was arraigned at Westminster of High Treason, but as the principal witnesses produced against him by his accusers (sir Ralph Fenwick and one Musgrave) were some mean and provoked Scottish men, so his peers acquitted him, as believing they not only spoke maliciously, but might be easily suborned against him, as one who (having been warden of the Marches) by frequent inroads had done much harm in that country. And thus escaped that lord to his no little honour, and his judges, as giving example thereby how persons of great quality, brought to their trial, are not so necessarily condemned, but that they sometimes may escape, when they obtain an equal hearing.

33. The Trials of Queen ANNA BOLEYN, and her Brother lord viscount ROCHFORD, for High Treason, in the Court of the Lord High Steward; and also of HENRY NORRIS, MARK SMETON, WILLIAM BRERETON, and Sir FRANCIS WESTON, before Commissioners of Oyer and Terminer, for the same Offence: 28 Hen. VIII. A. D. 1536. [Harleian MS. 1 Burnet's Reform. 196. 1 Strype's Memorials, 279.]

[" The earliest account we have of these proceedings is in Hall's Chronicle; but, except the queen's Speech at her death, it scarce mentions more, than that she and the rest were arrested, accused, tried, and executed. Hall's Hen. 8. fo. 227. b. Grafton copies verbatim from Hall, except omitting this circumstance, that the king the day after her death wore white for mourning. Graft. 1228. Fox, in his Martyrology, is chiefly occupied in vindicating the queen's virtue, and defending the succession to the crown through her. 2 Fox Martyr. ed. 1610. p. 937. In Hollingshead, the account is more full than Hall. 3 Hollingsh. 940. Stow, who follows next, chiefly borrows from Hollingshead. Stow's Chron. Howe's ed. 572. Some additional circumstances are noticed by Speed. Speed's Chron. 1014. Lord Herbert is still more particular in his narrative. Herbert's Hen. 8. in 2. Kenn. Compl. Hist. 193. There is also a short account of this Trial amongst the Harleian Manuscripts at the British Museum, which seems to have been compiled out of the printed chronicles. But the most copious relations of this singular transaction, are in Heylin and Burnet; more especially the latter, who was aided not only by some original Letters, but by two other cotemporary manuscripts of great authority, one being a Common-Place-Book of judge Spelman, the other an account by Anthony Anthony, a surveyor of the ordnance of the Tower. Heyl. Reformat. 263. 1. Burn. Reform. After Burnet's book, our learned annalist Strype, favoured the world with some additional matter. 1 Strype's Memor. 279. What we shall lay before the reader, will consist, first of the Harleian Manuscript, secondly of Extracts from Burnet, and thirdly of an Extract from Strype; which together will, as we apprehend, nearly comprize every circumstance deserving of notice throughout the whole affair." Hargrave.]

Extract from Harleian Manuscript.

THOMAS duke of Norfolke, lord high steward of England, att the Tryall of queene Anne Boleyn, who on the 15th day of May, in the 28th yeare of the raigne of kinge Henry the eight, was arraigned in the Tower of London, on a scaffold for that purpose made in the kings hall, the duke of Norfolke sittinge under the cloath of state, the lord chiuncellor on his right hand, and the duke of Suffolke on his lefte, the earle of Surrey, sonne of the duke of Norfolke, sittinge directly before his father, a degree lower, as earle marshall of England, to whome were adjoyned 26 other peeres, and among them the queenes father *(a)*, by whome shee was to be tryed. The king's Commission beinge read, the accusers gave in theire Evidence, and the Wittnesses were produced, the queene sittinge in her chaire made for her, (whether in regard of any infirmity, or out of honor permitted to the wife of the soveraigne) haveinge an excellent quick witt, and being a ready speaker, did so answeare to all obiections, that had the peeres given in theire Verdict accordinge to the expectacion of the assembly, shee had beene acquitted: but they (among whome the duke of Suffolke the kings brother-in-law was cheife, and wholy applyinge himselfe to the kings humor) pronounced her guilty; wherevpon the duke of Norfolke, bound to proceed accordinge to the Verdict of the peeres, condemned her to death, either by beinge burned in the Tower-Greene, or beheaded, as his majestie in his pleasure should thinke fitt.—The Sentence beinge denounced the court arose, and she was conveyed back againe to her chamber, the lady Boleyn her aunt, and the lady Kingston, wife to the constable of the Tower, only attendinge her.—And on the 19th of May, the queene was brought to the place of execucion in the Greene within the Tower, some of the nobility and company of the cittie beinge admitted rather to beo wittnesses then spectators of her death, to whome the queene (haveinge ascended the scaffold) spake on this manner.

" Freinds and good Christian people, I am here in your presence to suffer death, whereto I acknowledge my selfe adjudged by the lawe, how iustly I will not say; I intend not an accusacion of any one. I beseech the Almighty to preserve his majestie longe to raigne over you, a more gentle or mild prince never swayed septer; his bounty and clemency towards mee I am sure hath beene speciall; if any one intend an inquisitiue survey of my actions, I intreate him to judge favourably of mee, and not rashly to admitt any censorious conceit. And soe I bid the world farewell, beseeching you to commend mee in your prayers to God." *(b)*

(a) The queen's father was not one of her judges. See page 417, and the note there.

(b) Fox, 2 Acts and Monuments, p. 270. gives nearly the same speech.

This speech shee vttered with a smylinge countenaunce; then kneelinge downe, with a fervent spirit said: 'To Jesus Christ I commend my soule, Lord Jesu receaue my soule;' and repeatinge these words very often, suddenly the stroake of the sword sealed the debt that shee owed vnto death.—Nowe the court of England was like a stage, whereon are represented the vicissitudes of ever various fortunes; for within one and the same moneth, that saw queene Anne florishinge, accused, condemned, executed, and another assumed into her place both of bedd and honour. The first of May, yt seemeth, shee was informed against, the second imprisoned, the fifteenth condemned, the seaventeenth deprived of her brother and friends, who suffered in her cause, and the nyneteenth executed. On the twentyeth the kinge married Jane Seimour, who on the nyne and twentieth was publiquely shewed queene.

Extract from 1 *Burnet's Reformation,* 196.

In January, 1536, the queen brought forth a dead son. This was thought to have made ill impressions on the king: and that, as he concluded from the death of his sons by the former queen, that the marriage was displeasing to God, so he might upon this misfortune, begin to make the like judgment of this marriage. Sure enough the popish party were earnestly set against the queen, looking on her as the great supporter of heresie. And at that time, Fox, then bishop of Hereford, was in Germany at Smalcald, treating a league with the protestant princes, who insisted much on the Augsburg confession. There were many conferences between Fox and Dr. Barnes, and some others, with the Lutheran divines, for accommodating the differences between them, and the thing was in a good forwardness. All which was imputed to the queen. Gardiner was then ambassador in France, and wrote earnestly to the king, to dissuade him from entering into any religious league with these princes: for that would alienate all the world from him, and dispose his own subjects to rebel. The king thought the German princes and divines should have submitted all things to his judgment, and had such an opinion of his own learning, and was so puft up with the flattering praises that he daily heard, that he grew impatient of any opposition, and thought that his dictates should pass for oracles. And because the Germans would not receive them so, his mind was alienated from them.—But the duke of Norfolk at court, and Gardiner beyond sea, thought there might easily be found a mean to accomodate the king, both with the emperor and the pope, if the queen were once out of the way; for then he might freely marry any one whom he pleased, and that marriage, with the male issue of it, could not be disputed: whereas, as long as the queen lived, her marriage, as being judged null from the beginning, could never be allowed by the court of Rome, or any of that party. With these reasons of state, others of affection concurred. The queen had been his wife three years; but at this time he entertained a secret love for Jane Seimour, who had all the charms both of beauty and youth in her person; and her humour was tempered, between the severe gravity of queen Katherine, and the gay pleasantness of queen Ann. The queen, perceiving this alienation of the kings heart, used all possible arts to recover that affection, of whose decay she was sadly sensible. But the success was quite contrary to what she designed. For the king saw her no more with those eyes, which she had formerly captivated; but grew jealous, and ascribed these caresses to some other criminal affections, of which he began to suspect her. This being one of the most memorable passages of this reign, I was at more than ordinary pains to learn all I could concerning it, and have not only seen a great many letters that were writ by those that were set about the queen, and catcht every thing that fell from her, and sent it to court, but have also seen an account of it, which the learned Spelman, who was a judge at that time, writ with his own hand in his Common-Place book, and another account of it writ by one Anthony Anthony a surveyor of the ordnance of the Tower. From all which I shall give a just and faithful relation of it, without concealing the least circumstance, that may either seem favourable or unfavourable to her.

She was of a very cheerful temper, which was not always limited within the bounds of exact decency and discretion. She had rallied some of the kings servants more than became her. Her brother, the lord Rochford, was her friend as well as brother; but his spiteful wife was jealous of him: and being a woman of no sort of vertue, (as will appear afterwards by her serving queen Katherine Howard in her beastly practices, for which she was attainted and executed,) she carried many stories to the king, or some about him, to persuade, that there was a familiarity between the queen and her brother, beyond what so near a relation could justifie. All that could be said for it, was only this: that he was once seen leaning upon her bed, which bred great suspition. Henry Norris, that was groom of the stole, Weston, and Brereton, that were of the kings privy-chamber, and one Mark Smeton, a musician, were all observed to have much of her favour; and their zeal in serving her was thought too warm and diligent to flow from a less active principle than love. Many circumstances were brought to the king, which working upon his aversion to the queen, together with his affection to mistress Seimour, made him conclude her guilty. Yet somewhat which himself observed, or fancied, at a tilting at Greenwich, is believed to have given the crisis to her ruin. It is said, that he spied her let her handkerchief fall to one of her gallants to wipe his face, being hot after a course. Whether she dropt it carelessly, or of design; or whether there be any truth in that story, the letters concerning her fall making no mention of it, I cannot determine; for Spelman makes no mention of it, and gives a very

different account of the discovery in these words. 'As for the evidence of this matter, it was discovered by the lady Wingfield, who had been a servant to the queen, and becoming on a sudden infirm some time before her death, did swear this matter to one of her—' and here unluckily the rest of the page is torn off. By this it seems, there was no legal evidence against the queen, and that it was but a witness at second hand, who deposed what they heard the lady Wingfield swear. Who this person was we know not, nor in what temper of mind the lady Wingfield might be, when she swore it. The safest sort of forgery, to one whose conscience can swallow it, is to lay a thing on a dead persons name, where there is no fear of discovery before the great day: and when it was understood that the queen had lost the kings heart, many, either out of their zeal to popery, or design to make their fortune, might be easily induced to carry a story of this nature. And this it seems was that which was brought to the king at Greenwich, who did thereupon immediately return to Whitehall, it being the 1st of May. The queen was immediately restrained to her chamber, the other five were also seized on: but none of them would confess any thing, but 'Mark Smeton, as to any actual thing,' so Cromwell writ. Upon this they were carried to the Tower. The poor queen was in a sad condition; she must not only fall under the kings displeasure, but be both defamed and destroyed at once. At first she smiled and carryed it cheerfully; and said, she believed the king did this only to prove her. But when she saw it was in earnest, she desired to have the sacrament in her closet, and expressed great devotion, and seemed to be prepared for death.

The surprize and confusion she was in, raised fits of the mother, which those about her did not seem to understand: but three or four letters, which were writ concerning her to court, say, that she was at some times very devout, and cried much; and of a sudden would burst out in laughter, which are evident signs of vapours. When she heard that those who were accused with her, were sent to the Tower, she then concluded herself lost; and said, she should be sent thither next; and talked idlely, saying, 'That if her bishops were about the king, they would all speak for her. She also said, that she would be a saint in heaven, for she had done many good deeds; and that there should be no rain, but heavy judgments on the land, for what they were now doing to her.' Her enemies had now gone too far, not to destroy her. Next day she was carryed to the Tower, and some lords, that met her on the river, declared to her what her offences were. Upon which, she made deep protestations of her innocence, and begged leave to see the king; but that was not to be expected. When she was carried into the Tower, 'She fell down on her knees, and prayed God to help her, as she was not guilty of the thing for which she was accused.' That same day the king wrote to Cranmer, to come to Lambeth; but ordered him not to come into his presence. Which was procured by the queen's enemies, who took care, that one who had such credit with the king, should not come at him, till they had fully persuaded him that she was guilty. Her uncle's lady, the lady Boleyn, was appointed to lye in the chamber with her. Which she took very ill; for, upon what reason I know not, she had been in very ill terms with her. She engaged her into much discourse, and studied to draw confessions from her. Whatsoever she said, was presently sent to the court. And a woman full of vapours, was like enough to tell every thing that was true, with a great deal more; for persons in that condition, not only have no command of themselves, but are apt to say any thing that comes in their fancy.

The duke of Norfolk, and some of the king's council, were with her; but could draw nothing from her, though they made her believe, that Norris and Mark had accused her. But when they were gone, she fell down on her knees and wept, and prayed often, 'Jesu have mercy on me;' and then fell a laughing: when that fit was over, she desired to have the sacrament still by her, that she might cry for mercy. And she said to the lieutenant of the Tower, she was as clear of the company of all men, as to sin, as she was clear from him; and that she was the king's true wedded wife. And she cried out, 'O Norris, hast thou accused me? Thou art in the Tower with me, and thou and I shall dye together; and Mark, so shall thou too.' She apprehended they were to put her in a dungeon; and sadly bemoaned her own, and her mother's misery; and asked them, whether she must dye without justice. But they told her, the poorest subjects had justice, much more would she have it. The same letter says, that Norris had not accused her; and that he said to her almoner, that he could swear for her, 'she was a good woman.' But she being made believe that he had accused her, and not being then so free in her thoughts, as to consider that ordinary artifice for drawing out confessions, told all she knew, both of him and Mark. Which though it was not enough to destroy her, yet certainly wrought much on the jealous and alienated king. She told them, 'That she once asked Norris, why he did not go on with his marriage?' who answered her, 'that he would yet tarry some time.' To which she replyed, 'You look for dead men's shoes; for if ought come to the king but good, you would look to have me.' He answered, 'if he had any such thought, he would his head were cut off.' Upon which, she said, 'she could undoe him if she pleased, and thereupon she fell out with him.' As for Mark, who was then laid in irons, she said, he was never in her chamber, but when the king was last at Winchester; and then he came in to play on the virginals: she said, that 'She never spoke to him after that, but on Saturday before May-day, when she saw him standing in the window, and then she asked him, why he

was so sad; he said, it was no matter: she answered, You may not look to have me speak to you, as if you were a nobleman, since you are an inferior person. 'No, no, madam,' said he, 'a look sufficeth me.' She seemed more apprehensive of Weston, than of any body. For on Whitsun Munday last he said to her, 'That Norris came more to her chamber upon her account, than for any body else that was there. She had observed that he loved a kinswoman of hers, and challenged him for it, and for not loving his wife. But he answered her, that there were women in the house, whom he loved better than them both; she asked who is that; yourself, said he; upon which, she said, she defied him.'

This misery of the queens drew after it the common effects that follow persons under such a disgrace; for now all the court was against her, and every one was courting the rising queen. But Cranmer had not learned these arts, and had a better soul in him, than to be capable of such baseness and ingratitude. He had been much obliged by her, and had conceived an high opinion of her, and so could not easily receive ill impressions of her; yet he knew the kings temper, and that a downright justification of her would provoke him: therefore he wrote the following Letter, on the 3d of May, with all the softness that so tender a point required; in which he justified her as far as was consistent with prudence and charity. The letter shows of what a constitution he was that wrote it; and contains so many things that tend highly to her honour, that I shall insert it here, as I copied it from the original.

'Pleaseth it your most noble grace, to be 'advertised, that at your graces commandment 'by Mr. Secretary his letters, written in your 'graces name, I came to Lambeth yesterday, 'and do there remain to know your graces 'further pleasure. And forsomuch as without 'your graces commandment, I dare not con'trary to the contents of the said Letters, pre'sume to come unto your graces presence; 'nevertheless, of my most bounden duty, I can 'do no less than most humbly to desire your 'grace, by your great wisdom, and by the as'sistance of Gods help, somewhat to suppress 'the deep sorrows of your graces heart, and to 'take all adversities of Gods hands both pa'tiently and thankfully. I cannot deny, but your 'grace hath great causes many ways of lament'able heaviness: also that in the wrongful esti'mation of the world, your graces honour of every 'part is so highly touched, whether the things 'that commonly be spoken of, be true or not, 'that I remember not that ever Almighty God 'sent unto your grace, any like occasion to 'try your graces constancy throughout, whe'ther your highness can be content to take off 'Gods hands, as well things displeasant, as 'pleasant. And if he find in your most noble 'heart such an obedience unto his will, that 'your grace, without murmuration and over'much heaviness, do accept all adversities, not 'less thanking him, than when all things suc'ceed after your graces will and pleasure, nor 'less procuring his glory and honour; then I 'suppose your grace did never any thing more 'acceptable unto him, since your first govern'ance of this your realm. And moreover, 'your grace shall give unto him occasion to 'multiply and encrease his graces and benefits 'unto your highness, as he did unto his most 'faithful servant Job; unto whom, after his 'great calamities and heaviness, for his obe'dient heart, and willing acceptation of Gods 'scourge and rod, *Addidit ei Dominus cuncta* '*duplicia.* And if it be true, that is openly 'reported of the queens grace, if men had a 'right estimation of things, they should not 'esteem any part of your graces honour to be 'touched thereby, but her honour only to be 'clearly disparaged. And I am in such a per'plexity, that my mind is clean amazed. For 'I never had better opinion in woman, than I 'had in her; which maketh me to think, that 'she should not be culpable. And again, I 'think your highness would not have gon so 'far, except she had surely been culpable. 'Now I think that your grace best knoweth, 'that next unto your grace, I was most bound 'unto her of all creatures living. Wherefore I 'most humbly beseech your grace, to suffer me 'in that which both Gods law, nature, and also 'her kindness, bindeth me unto; that is, that I 'may with your graces favour wish and pray 'for her, that she may declare her self incul'pable and innocent. And if she be found 'culpable, considering your graces goodness 'towards her, and from what condition your 'grace of your only meer goodness took her, 'and set the crown upon her head; I repute 'him not your graces faithful servant and sub'ject, nor true unto the realm, that would not 'desire the offence without mercy to be pu'nished, to the example of all other. And as 'I loved her not a little, for the love which I 'judged her to bear towards God and his gos'pel; so if she be proved culpable, there is not 'one that loveth God and his gospel, that ever 'will favour her, but must hate her above all 'other; and the more they favour the gospel, 'the more they will hate her: for then there 'was never creature in our time that so much 'slandered the gospel. And God hath sent 'her this punishment, for that she feignedly 'hath professed his gospel in her mouth, and 'not in heart and deed. And though she have 'offended so, that she hath deserved never to 'be reconciled unto your graces favour; yet 'Almighty God hath manifoldly declared his 'goodness your grace, and never offended you. 'But your grace, I am sure, knowledgeth that 'you have offended him. Wherefore I trust 'that your grace will bear no less entire favour 'unto the truth of the gospel, than you did be'fore: forsomuch as your graces favour to the 'gospel, was not led by affection unto her, but 'by zeal unto the truth. And thus I beseech 'Almighty God, whose gospel he hath ordained 'your grace to be defender of, ever to preserve 'your grace from all evil, and give you at the

'end the promise of his gospel. From Lam-'beth, the 3d of May.

'After I had written this letter unto your 'grace, my lord chancellor, my lord of Oxford, 'my lord of Sussex, and my lord chamberlain of 'your graces house, sent for me to come unto 'the Star Chamber; and there declared unto 'me such things as your graces pleasure was 'they should make me privy unto. For the 'which I am most bounden unto your grace. 'And what communication we had together, I 'doubt not but they will make the true report 'thereof unto your grace. I am exceedingly 'sorry, that such faults can be proved by the 'queen, as I heard of their relation. But I 'am, and ever shall be, your faithful subject, 'Your graces most humble subject, and chap-'lain. T. Cantuariensis.'

But jealousy, and the king's new affection, had quite defaced all the remainders of esteem for his late beloved queen. Yet the ministers continued practising, to get further evidence for the Tryal; which was not brought on till the 12th of May; and then Norris, Weston, Brereton, and Smeton, were tryed by a commission of Oyer and Terminer in Westminster-Hall. They were twice indicted, and the indictments were found by two grand juries, in the counties of Kent, and Middlesex; the crimes with which they were charged, being said to be done in both these counties. Mark Smeton confessed, he had known the queen carnally three times. The other three pleaded 'not guilty;' but the jury, upon the evidence formerly mentioned, found them all Guilty; and judgment was given, that they should be drawn to the place of execution, and some of them to be hanged, others to be beheaded, and all to be quartered, as guilty of high treason. On the 15th of May, the queen and her brother the lord Rochford (who was a peer, having been made a viscount when his father was created earl of Wiltshire) were brought to be tryed by their peers; the duke of Norfolk being lord high steward for that occasion. With him sate the duke of Suffolk, the marquess of Exeter, the earl of Arundel, and 27 more peers, of whom their father the earl of Wiltshire was one. *(a)* Whether this unnatural complyance was imposed on him by the imperious king, or officiously submitted to by himself, that he might thereby be preserved from the ruin that fell on his family, is not known. Here the queen of England by an unheard-of precedent was brought to the bar, and indicted of High Treason. The crimes charged on her were, 'That she had procured her brother and the other four to lye with her, which they had done often; that she had said to them, that the king never had her heart, and had said to every one of them by themselves, that she loved them better than any person whatsoever. Which was to the slander of the issue that was begotten between the king and her.' And this was Treason, according to the statute made in the 26th year of this reign (so that the law, that was made for her and the issue of her marriage, is now made use of to destroy her). It was also added in the indictment, that she, and her complices, 'had conspired the kings death;' but this it seems was only put in to swell the charge, for if there had been any evidence for it, there was no need of stretching the other statute, or if they could have proved the violating of the queen, the known statute of the 25th year of the reign of Edward 3, had been sufficient. When the Indictment was read, she held up her hand, and pleaded Not Guilty, and so did her brother, and did answer the evidence was brought against her discreetly. One thing is remarkable, that Mark Smeton, who was the only person that confessed any thing, was never confronted with the queen, nor was kept to be an evidence against her; for he had received his sentence three days before, and so could be no witness in law. But perhaps, though he was wrought on to confess, yet they did not think he had confidence enough to aver it to the queen's face. Therefore the evidence they brought, as Spelman says, was the oath of a woman that was dead, yet this, or rather the terror of offending the king, so wrought on the lords, that they found her and her brother Guilty; and Judgment was given, that she should be burnt, or beheaded at the kings pleasure. Upon which Spelman observes, that whereas burning is the death which the law appoints for a woman that is attainted of Treason, yet since she had been queen of England, they left it to the king to determine, whether she should dye so infamous a death, or be beheaded. But the Judges complained of this way of proceeding, and said, such a disjunctive in a judgment of Treason, had never been seen. The lord Rochford was also condemned to be beheaded and quartered. Yet all this did not satisfy the enraged king, but the marriage between him and her must be annulled, and the issue illegitimated. The king remembred an intrigue that had been between her and the earl of Northumberland, which was mentioned in the former book; and that he then lord Piercy said to the cardinal, 'That he had gone so far before witnesses, that it lay upon his conscience, so that he could not go back.' This, its like, might be some promise he made to marry her, *per verba de futuro*, which though it was no precontract in itself, yet it seems the poor queen was either so ignorant or so ill-advised, as to be perswaded afterwards it was one; though its certain that nothing, but a contract *per verba de præsenti*, could be of any force to annul the subsequent marriage. The king and his council, reflecting upon what it seems the cardinal had told him, resolved to try what could be made of it, and pressed the earl of Northumberland to confess a contract between him and her. But he took his oath

(a) This is a mistake. The queen's father was not one of her judges, as bishop Burnet acknowledges in another part of his work. See Addend. to 1 Burn. Reformat. p. 363.

before the two archbishops, that there was no contract, nor promise of marriage ever between them, and received the sacrament upon it, before the duke of Norfolk, and others of the king's privy council; wishing it might be to his damnation, if there was any such thing (concerning which I have seen the original declaration under his own hand). Nor could they draw any confession from the queen, before the Sentence; for certainly if they could have done that, the divorce had gone before the tryal; and then she must have been tryed only as marchioness of Pembroke. But now she lying under so terrible a sentence, it is most probable, that either some hopes of life were given her; or at least, she was wrought on by the assurances of mitigating that cruel part of her Judgment, of being burnt, into the milder part of the sentence, of 'having her head cut off;' so that she confessed a pre-contract, and on the 17th of May was brought to Lambeth: and in court, the afflicted archbishop sitting judge, some persons of quality being present, she confessed some just and lawful impediments; by which it was evident that her marriage with the king was not valid. Upon which Confession, her marriage between the king and her was judged to have been null and void. The Record of the Sentence is burnt; but these particulars are repeated in the Act that passed in the next parliament, touching the Succession to the Crown. It seems this was secretly done, for Spelman writes of it thus; It was said, there was a divorce made between the king and her, upon her confessing a precontract with another before her marriage with the king: so that it was then only talkt of, but not generally known.

The two sentences that were past upon the queen, the one of attainder for adultery, the other of divorce because of a precontract, did so contradict one another, that it was apparent, one, if not both, of them must be unjust; for if the marriage between the king and her was null from the beginning, then since she was not the kings wedded wife, there could be no adultery: and her marriage to the king was either a true marriage, or not; if it was true, then the annulling of it was unjust, and if it was no true marriage, then the attainder was unjust; for there could be no breach of that faith which was never given: so that it is plain, the king was resolved to be rid of her, and to illegitimate her daughter, and in that transport of his fury, did not consider that the very method he took, discovered the unjustice of his proceedings against her. Two days after this, she was ordered to be executed in the Green on Tower-Hill. How she received these tidings, and how stedfast she continued in the protestations of her innocence, will best appear by the following circumstances. The day before she suffered, upon a strict search of her past life, she called to mind, that she had played the step-mother too severely to lady Mary, and had done her many injuries. Upon which, she made the lieutenant of the Tower's lady sit down in the chair of state; which the other, after some ceremony, doing, she fell down on her knees, and with many tears charged the lady, as she would answer it to God, to go in her name, and do as she had done, to the lady Mary, and ask her forgiveness for the wrongs she had done her. And she said, she had no quiet in her conscience, till she had done that. But though she did in this what became a Christian, the lady Mary could not so easily pardon these injuries; but retained the resentments of them her whole life.

This ingenuity and tenderness of conscience about lesser matters, is a great presumption, that if she had been guilty of more eminent faults, she had not continued to the last denying them, and making protestations of her innocency. For that same night she sent her last message to the king, and acknowledged her self much obliged to him, that had continued still to advance her. She said, he had, from a private gentlewoman, first made her a marchioness, and then a queen; and now, since he could raise her no higher, was sending her to be a saint in Heaven: she protested her innocence, and recommended her daughter to his care. And her carriage that day she died, will appear from the following Letter writ by the lieutenant of the Tower, copied from the original, which I insert, because the copier imployed by the lord Herbert has not writ it out faithfully; for I cannot think that any part of it was left out on design.

"Sir, These should be to advertise you, I have received your letter, wherein you would have strangers conveyed out of the Tower, and so they be by the means of Richard Gressom, and William Cooke, and Wytspoll. But the number of strangers past not thirty, and not many of those armed; and the ambassador of the emperor had a servant there, and honestly put out: Sir, if we have not an hour certain, as it may be known in London, I think here will be but few, and I think a reasonable number were best, for I suppose she will declare her self to be a good woman, for all men but for the king, at the hour of her death. For this morning she sent for me, that I might be with her at such time as she received the good Lord, to be intent I should hear her speak as touching her innocency alway to be clear. And in the writing of this, she sent for me, and at my coming she said: 'Mr. Kingston, I hear say I shall not die aforenoon, and I am verry sorry therefore, for I thought to be dead by this time, and past my pain. I told her, it should be no pain, it was so sottle. And then she said, I heard say the executioner was very good, and I have a little neck, and put her hands about it, laughing heartily. I have seen many men, and also women, executed; and that they have been in great sorrow, and to my knowledge this lady has much joy and pleasure in death. Sir, her almoner is continually with her, and had been since two a clock after midnight. This is the effect of any thing that is here at this time, and thus fare you well, Yours, William Kingston."

A little before noon, being the 19th of May, she was brought to the scaffold, where she made a short speech to a great company that came to look on the last scene of this fatal tragedy: the chief of whom were the dukes of Suffolk and Richmond, the lord chancellor, and secretary Cromwell, with the lord mayor, the sheriffs and aldermen of London. 'She said, she was come to die, as she was judged by the law; she would accuse none, nor say any thing of the ground upon which she was judged. She prayed heartily for the king; and called him a most merciful and gentle prince, and that he had been always to her a good, gentle, sovereign lord, and if any would meddle with her cause, she required them to judge the best. And so she took her leave of them, and of the world; and heartily desired they would pray for her.' After she had been some time in her devotions, her last words being, 'To Christ I commend my soul;' her head was cut off by the hangman of Calais, who was brought over as more expert at beheading than any in England: her eyes and lips were observed to move after her head was cut off, as Spelman writes; but her body was thrown into a common chest of elm-tree that was made to put arrows in, and was buried in the chappel within the Tower before twelve a clock.

Her brother with the other four did also suffer; none of them were quartered, but they were all beheaded, except Smeton, who was hanged. It was generally said, that he was corrupted into that confession, and had his life promised him; but it was not fit to let him live to tell tales. Norris had been much in the king's favour, and an offer was made him of his life, if he would confess his guilt, and accuse the queen. But he generously rejected that un-handsom proposition, and said, 'That in his conscience he thought her innocent of these things laid to her charge; but whether she was or not, he would not accuse her of any thing, and he would die a thousand times, rather than ruin an innocent person.'

These proceedings occasioned as great variety of censures, as there were diversity of interests. The popish party said, the justice of God was visible, that she who had supplanted queen Catherine, met with the like, and harder measure, by the same means. Some took notice of her faint justifying her self on the scaffold, as if her conscience had then prevailed so far, that she could no longer deny a thing, for which she was so soon to answer at another tribunal. But others thought her care of her daughter made her speak so tenderly; for she had observed, that queen Catherines obstinacy had drawn the kings indignation on her daughter; and therefore that she alone might bear her misfortunes, and derive no share of them on her daughter, she spake in a stile, that could give the king no just offence: and as she said enough to justifie her self, so she said as much for the kings honour, as could be expected. Yet in a letter that she wrote to the king from the Tower, (which will be found in the Collection,) she pleaded her innocence, in a strain of so much wit, and moving passionate eloquence, as perhaps can scarce be parralleled: certainly her spirits were much exalted when she wrote it, for it is a pitch above her ordinary stile. Yet the Copy I take it from, lying among Cromwell's other Papers, makes me believe it was truly written by her.

Her carriage seemed too free, and all people thought that some freedoms and levities in her had encouraged those unfortunate persons to speak such bold things to her, since few attempt upon the chastity, or make declarations of love, to persons of so exalted a quality, except they see some invitations, at least in their carriage. Others thought that a free and jovial temper might, with great innocence, though with no discretion, lead one to all those things that were proved against her; and therefore they concluded her chaste, though indiscreet. Others blamed the king, and taxed his cruelty in proceeding so severely against a person whose chastity he had reason to be assured of, since she had resisted his addresses near five years, till he legitimated them by marriage. But others excused him. It is certain her carriage had given just cause of some jealousie, and that being the rage of a man, it was no wonder if a king of his temper, conceiving it against one whom he had so signally obliged, was transported into unjustifiable excesses.—Others condemned Cranmer, as a man that obsequiously followed all the king's appetites; and that he had now divorced the king a second time, which shewed that his conscience was governed by the king's pleasure as his supreme law. But what he did was unavoidable. For whatever motives drew from her the confession of that precontract, he was obliged to give sentence upon it: and that which she confessed, being such as made her incapable to contract marriage with the king, he could not decline the giving of sentence upon so formal a confession. Some loaded all that favoured the Reformation: and said, It now appeared what a woman their great patroness and supporter had been. But to those it was answered, That her faults, if true, being secret, could cast no reflection on those, who being ignorant of them, made use of her protection. And the church of Rome thought not their cause suffered by the enraged cruelty and ambition of the cursed Irene, who had convened the second council of Nice, and set up the worship of images again in the east; whom the Popes continued to court and magnifie, after her barbarous murder of her son, with other acts of unsatiated spite and ambition. Therefore they had no reason to think the worse of persons for claiming the protection of a queen, whose faults (if she was at all criminal,) were unknown to them when they made use of her.

Some have since that time concluded it a great evidence of her guilt, that during her daughter's long and glorious reign, there was no full nor compleat vindication of her published. For the writers of that time thought it enough

to speak honourably of her; and in general, to call her innocent, but none of them ever attempted a clear discussion of the particulars laid to her charge. This had been much to her daughter's honour, and therefore, since it was not done, others concluded it could not be done; and that their knowledge of her guilt restrained their pens. But others do not at all allow of that inference, and think rather, that it was the great wisdom of that time not to suffer such things to be called in question; since no wise government will admit of a debate about the clearness of the princes title. For the very attempting to prove it weakens it more, than any of the proofs that are brought can confirm it; therefore it was prudently done of that queen and her great ministers, never to suffer any vindication or apology to be written. Some indiscretions could not be denied, and these would all have been catched hold of, and improved by the busie emissaries of Rome and Spain.

Extract from 3 *Burn. Reformat. p.* 118.

The tragedy of queen Anne followed soon after this: it broke out on the first of May 1536, but it seems it was concerted before; for a parliament was summoned, at least the writs were tested the 27th of April before. There is a long account of her sufferings given by Meteren, in that excellent History that he wrote of the Wars in the Netherlands, which he took from a full relation of it, given by a French gentleman, Crispin, who was then in London, and as Meteren relates the matter, wrote without partiality. He begins it thus: "There was a gentleman who blamed his sister for some lightness that appeared in her behaviour, she said the queen did more than she did; for she admitted some of her court to come into her chamber at undue hours: and named the lord Rochford, Norris, Weston, Brereton, and Smeton the musician: and she said to her brother, that Smeton could tell much more: all this was carried to the king."—When the matter broke out on the first of May, the king who loved Norris, sent for him, and said, if he would confess those things with which the queen was charged, he should neither suffer in his person, nor his estate; nor so much as be put in prison: but if he did not confess, and were found guilty, he should suffer the extremity of the law. Norris answered, he would much rather die than be guilty of such falshood: that it was all false, which he was ready to justify in a combat against any person whatsoever; so he was sent with the rest to the Tower: the confession of Smeton was all that was brought against the queen: he, as was believed, was prevailed on to accuse her: yet he was condemned contrary to the promise that had been made him: but it was pretended that his crime was, that he had told his suspicions to others, and not to the king: and when it was alledged that one witness was not sufficient, it was answered that it was sufficient. He adds, that the queen was tryed in the Tower; and that she defended her honour, and modesty, in such a way, as to soften the king (for she knew his temper) by such humble deportment, to favour her daughter. She was brought to her trial without having any advocate allowed her; having none but her maids about her. A chair was set for her, and she looked to all her judges with a chearful countenance, as she made her curtsies to them, without any fear: she behaved herself as if she had been still queen: she spoke not much in her own defence; but the modesty of her countenance pleaded her innocence, much more than the defence that she made; so that all who saw or heard her, believed her innocent. Both the magistrates of London, and several others who were there, said, they saw no evidence against her; only it appeared, that they were resolved to be rid of her.

She was made to lay aside all the characters of her dignity: which she did willingly; but still protested her innocence. When she heard the Sentence, that she was to be beheaded, or burnt, she was not terrified; but lifted up her hands to God, and said, 'O Father! 'O Creator! Thou, who art the way, the 'truth, and the life; thou knowest that I 'have not deserved this death.' And turning herself to her Judges, (her uncle, the duke of Norfolk, being the lord high steward) she said, 'My lords, I will not say that 'your sentence is unjust; nor presume, that 'my opinion ought to be preferred to the judg-'ment of you all. I believe you have reasons, 'and occusions of suspicion and jealousy, upon 'which you have condemned me: but they 'must be other, than those that have been 'produced here in court; for I am entirely in-'nocent of all these accusations; so that I 'cannot ask pardon of God for them. I have 'been always a faithful and loyal wife to the 'king. I have not, perhaps, at all times shewed 'him that humility and reverence, that his 'goodness to me, and the honour to which he 'raised me, did deserve. I confess, I have had 'fancies and suspicions of him, which I had 'not strength nor discretion enough to manage: 'but God knows, and is my witness, that I 'never failed otherwise towards him: and I 'shall never confess any other, at the hour of 'my death. Do not think that I say this, on 'design to prolong my life: God has taught me 'to know how to die; and he will fortify my 'faith. Do not think that I am so carried in 'my mind, as not to lay the honour of my 'chastity to heart; of which I should make 'small account now in my extremity, if I had 'not maintained it my whole life long, as much 'as ever queen did. I know, these my last 'words will signify nothing, but to justifie my 'honour and my chastity. As for my brother, 'and those others, who are unjustly con-'demned, I would willingly suffer many deaths, 'to deliver them: but since I see it so pleases 'the king, I must willingly bear with their 'death, and shall accompany them in death, 'with this assurance, that I shall lead an end-'less life with them in peace.' She said all this,

and a great deal more: and then, with a modest air, she rose up, and took leave of them all. Her brother, and the other gentlemen, were executed first. "He exhorted those who suffered with him, to die without fear; and said to those that were about him, that he came to die, since it was the king's pleasure that it should be so. He exhorted all persons, not to trust to courts, states, and kings, but in God only. He had deserved a heavier punishment for his other sins; but not from the king, whom he had never offended. Yet he prayed God to give him a long, and a good life. With him, all the rest suffered a death, which they had no way deserved. Mark Smeton only confessed, he had deserved well to die: which gave occasion to many reflections. When the queen heard how her brother and the other gentlemen had suffered, and had sealed her innocence with their own blood; but that Mark had confessed, he deserved to die; she broke out into some passion, and said; 'Has he not then cleared me of that publick shame he has brought me to? Alas! I fear his soul suffers for it, and that he is now punished for his false accusation. But for my brother, and those others, I doubt not, but they are now in the presence of that Great King, before whom I am to be to-morrow.'"

It seems, that gentleman knew nothing of the judgment that passed at Lambeth, annulling the marriage: for it was transacted secretly. It could have no foundation or colour, but from that story mentioned in Cavendish's Life of Wolsey, of the lord Percy's addresses to her. He was now examined upon that: but it will appear from his letter to Cromwell, that he solemnly purged both himself and her, from any precontract; being examined upon oath by the two archbishops: and that he received the sacrament upon it, before the duke of Norfolk, and some of the king's council that were learned in the spiritual law; assuring them by his oath, and by the sacrament that he had received, and intended to receive, that there was never any contract, or promise of marriage, between her and him. This he wrote on the 13th of May, four days before the queen's execution; which will be found in the collection. This shews plainly, that she was prevailed on, between fear and hope, to confess a precontract, the person not being named.

The French gentleman gives the same account of the manner of her death, and of her speech, that all the other writers of that time do. "When she was brought to the place of execution, within the Tower, he says, her looks were chearful; and she never appeared more beautiful, than at that time. She said to those about her, Be not sorry to see me die thus; but pardon me from your hearts, that I have not expressed to all about me, that mildness that became me; and that I have not done that good, that was in my power to do. She prayed for those who were the procurers of her death. Then, with the aid of her maids, she undressed her neck with great courage, and so ended her days."

This long recital I have translated out of Meteren; for I do not find it taken notice of by any of our writers. I leave it thus, without any other reflections upon it, but that it seems all over credible. Thevet, a Franciscan fryar, who for 17 or 18 years, had wandered up and down Europe, to prepare materials for his Cosmography, (which he published in the year 1563,) says, that many English gentlemen assured him, that king Henry expressed great repentance of his sins, being at the point of death; and among other things, of the injury and the crime committed against queen Anne Boleyn, who was falsly accused, and convicted of that which was laid to her charge. It is true, Thuanus has very much disgraced that writer, as a vain and ignorant plagiary: but he having been of the order that suffered so much for their adhering to queen Catherine, is not to be suspected of partiality for queen Anne. We must leave those secrets to the great day.

The Earl of Northumberland's Letter to Cromwell, denying any Contract, or Promise of Marriage, between Queen Anne and himself.

'Mr. Secretary, this shall be to signifie unto 'you, that I perceyve by sir Raynold Carnaby, 'that there is supposed a precontract between 'the queen and me; whereupon I was not only 'heretofore examined upon my oath before the 'archbishopps of Canterbury and York, but 'also received the blessed sacrament upon the 'same before the duke of Norfolk, and other 'the king's highnes council learned in the spi-'ritnall law; assuring you, Mr. Secretary, by 'the said oath, and blessed body which affore I 'received, and hereafter intend to receive, 'that the same may be to my damnation, if 'ever there were any contracte, or promise of 'marriage between her and me. At Newyng-'ton-Green, the xiijth day of Maye, in the '28th year of the reigne of our soveraigne lord 'king Henry the 8th. Your assured.

'NORTHUMBERLAND.'

Queen Ann Boleyn's last Letter to king Henry.

'Sir; Your grace's displeasure, and my im-'prisonment, are things so strange unto me, as 'what to write, or what to excuse, I am alto-'gether ignorant. Whereas you send unto me '(willing me to confess a truth, and so obtain 'your favour) by such an one whom you know 'to be mine antient professed enemy; I no 'sooner received this messsage by him, than I 'rightly conceived your meaning; and if, as 'you say, confessing a truth indeed may 'procure my safety, I shall with all willing-'ness and duty perform your command.— 'But let not your grace ever imagine that 'your poor wife will ever be brought to ac-'knowledge a fault, where not so much as a 'thought thereof preceded. And to speak a 'truth, never prince had wife more loyal in all 'duty, and in all true affection, than you have 'ever found in Ann Boleyn, with which name

'and place I could willingly have contented 'my self, if God and your grace's pleasure had 'been so pleased. Neither did I at any time 'so far forget my self in my exaltation, or re- 'ceived queenship, but that I alwayes looked 'for such an alteration as now I find; for the 'ground of my preferment being on no surer 'foundation than your grace's fancy, the least 'alteration, I knew, was fit and sufficient to 'draw that fancy to some other subject. You 'have chosen me, from a low estate, to be 'your queen and companion, far beyond my 'desert or desire. If then you found me wor- 'thy of such honour, good your grace let not 'any light fancy, or bad counsel of mine ene- 'mies, withdraw your princely favour from me; 'neither let that stain, that unworthy stain of 'a disloyal heart towards your good grace, 'ever cast so foul a blot on your most dutiful 'wife, and the infant princess your daughter: 'try me, good king, but let me have a lawful 'trial, and let not my sworn enemies sit as my 'accusers and judges; yea, let me receive an 'open trial, for my truth shall fear no open 'shame; then shall you see, either mine inno- 'cency cleared, your suspicion and conscience 'satisfied, the ignonimy and slander of the world 'stopped, or my guilt openly declared. So 'that whatsoever God or you may determine 'of me, your grace may be freed from an open 'censure; and mine offence being so lawfully 'proved, your grace is at liberty, both before 'God and man, not only to execute worthy 'punishment on me as an unlawful wife, but to 'follow your affection, already settled on that 'party, for whose sake I am now as I am, 'whose name I could some good while since 'have pointed unto; your grace being not ig- 'norant of my suspicion therein.—But if you 'have already determined of me, and that not 'only my death, but an infamous slander must 'bring you the enjoying of your desired happi- 'ness; then I desire of God, that he will par- 'don your great sin therein, and likewise mine 'enemies, the instruments thereof; and that 'he will not call you to a strict account for 'your unprincely and cruel usage of me, at his 'general judgment-seat, where both you and 'my self must shortly appear, and in whose 'judgment I doubt not, (whatsoever the world 'may think of me) mine innocence shall be 'openly known, and sufficiently cleared.—My 'last and only request shall be, that my self 'may only bear the burthen of your grace's 'displeasure, and that it may not touch the in- 'nocent souls of those poor gentlemen, who, 'as I understand, are likewise in strait impri- 'sonment for my sake. If ever I have found 'favour in your sight, if ever the name of Ann 'Boleyn hath been pleasing in your ears, then 'let me obtain this request; and I will so leave 'to trouble your grace any further, with mine 'earnest prayers to the Trinity to have your 'grace in his good keeping, and to direct you 'in all your actions. From my doleful prison 'in the Tower, this 6th of May. Your most 'loyal and ever faithful wife, ANN BOLEYN.'

Extract from Strype's Memorials, vol. 1. p. 279.

This year, (1536) in the month of May, queen Anne Boleyn was beheaded: a great friend and patroness of the reformed religion. She was very nobly charitable, and expended largely in all manner of acts of liberality, according to her high quality. And among the rest of her ways of shewing this Christian virtue, she being a favourer of learning, together with her father, the lord Wiltshire, and the lord Rochford, her brother, maintained divers ingenious men at the universities. Among the rest, were these men of note, Dr. Hethe, afterward archbishop of York, and lord chancellor; Dr. Thirlby, afterward bishop of Ely; and Mr. Paget, afterward lord Paget, and secretary of state: all which in her time were favourers of the Gospel, though afterwards they relapsed. Of Paget one hath observed, that he was a most earnest Protestant, and being in Cambridge, gave unto one Raynold West, Luther's book, and other books of the Germans, as Franciscus Lambertus de Sectis: and that, at that time he read Melancthon's rhetorick openly in Trinity-hall; and was a maintainer of Dr. Barnes, and all the Protestants then in Cambridge, and helped many religious persons out of their cowles. This queen was also a great favourer of those that suffered for religion. Let this Letter ensuing, writ by her to Cromwel, stand upon record here, shewing both her love to such sufferers, and her high esteem of the word of God.

By the Queen.

'Anne the Queen. Trusty and right well 'beloved, wee greet you well. And whereas, 'we be credibly enformed, that the bearer 'hereof, Rychard Herman, merchant, and citi- 'zen of Antwerp in Brabant, was, in the time 'of the late lord cardinal, put and expelled 'from his freedom and fellowship of and in the 'English-House there, for nothing else, as he 'affirmeth, not only for that, that he did, both 'with his goods and policy, to his great hurt 'and hindrance in this world, help to the set- 'ting forth of the New Testament in English. 'Wee therefore desire and instantly pray you, 'that with all speed and favour convenient, ye 'woll cause this good and honest merchant, 'being my lords true, faithful and loving sub- 'ject, to be restored to his pristin freedom, 'liberty and fellowship aforesaid. And the 'sooner at this our request: and at your good 'plesure to hear him in such things as he hath 'to make further relation unto you in this be- 'half. Yeven under our signet, at my lord's 'mannor of Grenewich, the 14 day of May.'

Such a material piece of history in the king's reign, besides what is written by our historians, may deserve divers particular remarks to be shewn, concerning this queen's behaviour and her speeches, from the time of her commitment to the Tower, to her execution. Which I am enabled to give from five or six letters of sir William Kyngston, constable, or (as others) lieutenant, of the Tower, to secretary Crumwel. And I do it the rather, to represent

matters concerning this queen in her afflictions the more largely, exactly and distinctly; which bishop Burnet hath set down from the same papers, more briefly and imperfectly. And perhaps upon the reading of what follows, some things which that reverend author attributes to fits and vapours in the queen, may find a better and truer interpretation. The lord Herbert also has given us only some short hints of these things.

After the duke of Norfolk, and some other of the kings council who had conducted queen Anne to the Tower (which was on the 2d of May) were departed, the said constable of the Tower went before her into her lodging. And then she said to him, 'Mr. Kyngston, shall I go into a dungeon?' he answered her, No, madam; you shall go into your lodging, that you lay in at your coronation. Upon which she said, It is too good for me. And further said, 'Jesu! have mercy on me.' And then kneeled down, weeping a great pace. And in the same sorrow fell into a great laughing. And so she did several times afterwards. Then she desired Mr. Kyngston, to move the king's highness that she might have the sacrament in the closet by her chamber, that she might pray for mercy. 'For I am as clear,' said she, 'from the company of man, as for sin, as I am clear from you:' and again, 'the king's true wedded wife.' And then she said, 'Mr. Kyngston, do you know wherefore I am here?' and he said, Nay. And then she asked him, when he saw the king? he said, not since he saw him in the Tilt-Yard, [which was but the day before at Greenwich, when he seemed first to take a displeasure against her.] And then she asked him, I pray you tell me, where my lord my father is. He told her, he saw him afore dinner in the court. O! where is my sweet brother? (for she feared the king's displeasure against her, would reach unto all her relations,) Kingston replyed, I left him at York-place: thinking it convenient to conceal it from her, though he was committed the same day. I hear say, said she, that I shall be accused by three men. And I can say no more but, Nay: though you should open my body; and therewith she opened her gown. Adding, O! Norris, hast thou accused me? thou art in the Tower with me. And thou and I shall die together. And Mark, [another that accused her] thou art here too. And then with much compassion she said, O! my mother, thou wilt die with sorrow. And then she much lamented my lady Worcester (being with child) because her child did not stir in her body. And when the constable's wife, being present, asked, what might be the cause, she said, It was for the sorrow she took for me.

Then she said, Mr. Kyngston, shall I die without justice? to which he resolved, The poorest subject the king had, had justice. And therewith she laughed. All these sayings happened that night. The next morning in conversation, with her, these speeches happened; related by sir W. Kyngston, in his foresaid letter. Mrs. Cosins, a gentlewoman appointed to wait upon the queen here, and that lay on her palate bed, said, that Norris (one of those that were accused about her) did say on Saturday last unto the queen's amner, that he would swear for the queen, that she was a good woman. And then the said gentlewoman added, speaking to the queen, [as minding to enquire of her concerning the occasion of her present trouble] Madam, why should there be any such matters spoken of? Marry, said the queen, I bade him do so. For I asked him, why he did not go through with his marriage [with some lady, it seems, Norris courted]. And he made answer, he would tarry a time. Then said she, You look for dead men's shoes. For if ought should come to the king, but good, you would look to have me. Then he said, If he should have any such thought, he would his head were off. And then she said, she could undo him, if she would. And therewith they fell out.

And then she said, I more fear Weston [another that was cast into the Tower about her business.] For Weston had said unto her, that Norris came more unto her chamber for her, than he did for Mage [the name, I suppose, of one of the queen's maids, that he courted.] And further, Kyngston related another saying, which the queen spake to him concerning Weston, [whom also she had sometimes talk with, coming often in her way; which might create a jealousy concerning him.] That she had spoke with him, because he did love her kinswoman, Mrs. Skelton. And said to him, that he loved not his wife [spoken by way of reproof.] And he made answer to her again, that he loved one in her house better than them both. And the queen said, Who is that? he gave this answer, It is yourself. And then she defied him, as she said to Kyngston [in scorne and displeasure, as reflecting upon her honour, undoubtedly]. These passages between the queen and them, was the cause of all their deaths; coming some way or other to the jealous king's ears. For she, being of a free and courteous nature, would exchange words sometimes, and enter into some talk with such as she met in the court; and with these gentlemen, who were of the privy chamber: and so happened often to come where she was. And some of their discourse happened to be brought to the king by some officious person, that owed her no good will.

In another Letter to secretary Crumwel, he wrote these passages concerning the said queen: That she much desired to have there in her closet the sacrament; and also her amner for one hour, when she was determined to die [that is, to suffer death.] After an examination of her at Greenwich, before some of the council, the said Kyngston sent for his wife and Mrs. Cosins (who both were appointed to be always with her) to know of them, how she had done that day. They said, she had been very merry, and made a good dinner: and after, called for a supper. And then called for him,

and asked him, where he had been all day. And after some words, she began to talk, and said, she was cruelly handled at Greenwich with the king's council: namely, with my lord of Norfolk [who was indeed her enemy.] And that he said, [to what she had spoken, as it seems in her own defence] 'Tut, tut, tut;' and shaking his head three or four times. And as for Mr. Treasurer, he was, said she, in the forest of Windsor. You know, added the writer of the letter, what she meant by that. And then named Mr. Comptroller (another of the council) to be a very gentleman. But she to be a queen, and so cruelly handled, it was never seen. 'But I think the king doth it to prove me.' And then laughed withal: and was very merry. And then she said, I shall have justice. Then said the constable, Have no doubt therein. Then she said, If any man accuse me, I can say but nay. And they can bring no witness.

And in some communication with the lady Kyngston and Mrs. Cosins, I would to God, said she, I had my bishops. For they would all go to the king for me. For I think the most part of England prayeth for me. And if I die, you shall see the greatest punishment for me within this seven years, that ever came to England. [This she spake no doubt in the confidence of her innocency; and God's righteous and visible judgments for the most part, for shedding innocent blood. And indeed within the seventh year following, happened a dreadful pestilence in London, and many commotions and insurrections to the end of this reign.] 'And then,' said she, 'shall I be in Heaven. For I have done many good deeds in my days.' Then she took notice of divers women set about her, that she liked not; saying, I think much unkindness in the king to put such about me, as I never loved. Then Kyngston shewed her, that the king took them to be honest and good women. But I would have had of my own privy chamber, replyed she, which I favour most, &c.

In another Letter of Kyngston to Crumwel, he relates, how she desired of him to carry a letter to the said Crumwel [of whose friendship she had a belief.] But he (it seems not thinking it safe for him to carry letters from her) said to her, that if she would tell it him by mouth, he would do it. For which she gave him thanks: and added, that she much marvelled, that the king's council came not to her, as seeming to be ready to justify her self. The same day she said, we should have no rain, till she was delivered out of the Tower: it being a season that wanted rain: [thinking probably that God (who takes care of innocency) would vindicate her, by giving, or withholding the clouds of Heaven.] To which Kyngston replyed, I pray, it may be shortly, because of the fair weather: adding, you know what I mean [that is, the king's reconciliation to her].

Other occasional speeches of hers, were these. She said concerning such women as was set about her, That the king wist what he did, when he put two such about her, as my lady Boleyn, and Mrs. Cosins. For they could tell her nothing of my lord, her father, and nothing else. But that she defied them all. [Meaning any about her whosoever, to be able to charge her with any dishonourable act.] But then upon this, my lady Boleyn [her kinswoman] said to her, Such desire as you have had to such tales, [tale-carriers or tellers, as some perhaps of her women were] have brought you to this. Then said Mrs. Stoner, [another gentlewoman about her] Mark [Smeton, the musician, another committed to the Tower, an accuser of the queen] is the worst cherished of any in the house. For he weareth irons. The queen said, that was because he was no gentleman. And he never was at my chamber; [and so could know less, she meant, than any, what was done by her, or any with her there] but at Winchester, and there she sent for him, to play on the virginals: for there my lodging was above the king's. And I never spake with him since, but upon Saturday before May day [that fatal day, when the king first conceived his jealousy.] And then I found him standing in the round window in my chamber of presence. And I asked him, why he was so sad. And he answered and said, it was no matter. And then she said, You may not look to have me speak to you as I would do to a nobleman: because ye be an inferior person. No, no, said he, a look sufficeth me: and thus fare you well. This shews him to be some haughty person; and thought the queen gave him not respect enough. And so might take this opportunity to humble her; and revenge himself by this means on her: not thinking it would cost him his own life.

Another letter of sir William Kyngston to Crumwel, giving an account of this queen's behaviour at her execution, is published in the History of the Reformation, which began thus; 'Sir, this shall be to advertise you, that I have 'received your letter; wherein you would have 'strangers conveyed out of the tower. And 'so they be, by the means of Richard Gresham, 'and William Loke, and Withepole. But the 'number of strangers past not thirty; and not 'many hothe [other.]' 'Armed' is added in the said History, which word is not in the original letter. Other mistakes there, this more exact transcription will rectify thus far in the Letter. Another Letter of hers to the king, beginning, 'Sir, your grace's displeasure,' &c. (p. 426), is published in the said History. But this passage following wrote at the end of her Letter, I think worthy to be transcribed, and set here, the reverend author of that book relating it imperfectly, viz. The king sending a message to the queen Anne, being prisoner in the Tower; willing her to confess the truth, she said, 'She could confess no more, then she 'had already spoken. And she said, she must 'conceal nothing from the king, to whom she 'did acknowledge her self so much bound for 'many favours: for raising her first from a 'mean woman to be a Marquess; next to be

'his queen. And now, seeing he could bestow 'no further honour upon her on earth, for pur-'posing to make her, by martyrdom, a saint in 'Heaven.'—I add one remark more concerning this queen: that at this time of her being in the Tower, a former charge was revived against her: namely, the contract of marriage between her and the present earl of Northumberland, before her marrying with the king: designing, if they could prove this, to make her former marriage with the king unlawful and void; and to make the smoother way for his marrying with the lady Jane. But whatsoever the afflicted queen confessed to save her life, or to change the way of her execution, from burning to beheading, that there never was any such precontract, the said earl protested solemnly in a letter to secretary Crumwel: who it seems had now desired to know the truth from himself. Therein telling him, how he had formerly before the two archbishops, viz. Warham and Wolsey, utterly denied it upon his oath, and the receiving of the sacrament: so he now confirmed it in this letter. See further Fuller's Church Hist. book 5, p. 206, 207.

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34. Proceedings against THOMAS CROMWELL, earl of ESSEX, for Treason: 33 Hen. VIII. A. D. 1541. [2 Kennett's Compl. Hist. 222. 2 Fox's Acts and Monum. 512. 1 Cobb. Parl. Hist. 544.]

THAT beauty and attraction which should take the kings eye in Anne of Cleve, not appearing, nor that conversation which should please his ear; and her brother besides excusing himself in the performance of some Articles of the Treaty, he did more willingly think of a Divorce; for which purpose, the pre-contract with the duke of Lorain's son was chiefly pretended. For though Olesleger, chancellor of Cleves, had according to his promise, 26 Feb. 1540, procured an Instrument in writing out of the Records of Dusseldorp, dated Feb. 15, 1535, testifying the Sponsalia heretofore made by the parents betwixt the duke of Lorain's son, and the lady Anne, should not take effect. Yet this it seems either was not shewed, or did not satisfie our king. Howsoever it was not deposited *in Archivis Regiis*, but found among Cromwel's Papers after his apprehension. And now although all scruples seemed the more considerable, in that so many doubts had been already cast concerning the kings former Marriages, yet the king determined at what price soever to separate himself from Anne of Cleve, and together to ruine Cromwel. For though he had not long before made him knight of the Garter, earl of Essex, and high chamberlain of England, yet as he was odious by reason of his low birth to all the nobility, and hated particularly by Stephen Gardiner, and the Roman catholics, for having operated so much in the dissolution of Abbies; and that the Reformers themselves found he could not protect them from burning; and lastly, that besides a Subsidy that the clergy gave of 4s. in the pound, he had gotten in the present parliament, not without much reluctation, one tenth, and one fifteen parts of all laymens goods; he was universally hated: which our king considering, and having besides divers Articles brought against him, he now judged him no longer necessary: therefore he gave way to all his enemies accusations; which could not but be material; it being impossible that any man, who medled so much in great and public affairs, should not in divers kinds so mistake, forget, and err, as to incur the note of a criminal, when severe inquisition were made against him. And now the king caused Cromwel, to be arrested at the Council-Table by the duke of Norfolk, when he least suspected it: to which Cromwel obeyed, though judging his perdition more certain, that the duke was uncle to the lady Catharine Howard, whom the king began now to affect. The news whereof, and his commitment to the Tower being divulged, the people with many acclamations witnessed their joy; so impatient are they usually of the good fortune of favourites arising from mean place, and insolent over the ill: Whereof the king being informed, proceeded more overtly, both in his Parliament business, and the Divorce; and the rather, that all former faults being now imputed to Cromwel, every body began to hope of a better age. But Cromwel (if we may believe some of our Authors) foresaw his fall two years before, and therefore provided for his family; neither did the late honours give him much comfort or security, when he thought they were conferred only to make him the greater sacrifice.

Crimes and Accusations brought against the Lord Cromwell.

After this he was attainted by parliament; in the which Attainder, divers and sundry Crimes, Surmises, Objections, and Accusations were brought against him, but chiefly and above all other he was charged and accused of Heresy, for that he was a supporter of them (whom they recounted for heretics) as Barns, Clark, and many other, whom he by his authority and letters written to sheriffs and justices in divers shires rescued, and discharged out of prison. Also that he did divulgate and disperse abroad among the king's subjects great numbers of Books, containing, as they said, manifest matter of much heresy, diffidence, and

misbelief. Item, that he caused to be translated into our English tongue Books comprising matter expressly against the Sacrament of the Altar, and that, after the translation thereof, he commended and maintained the same for good and Christian doctrine. Over and besides all this, they brought in certain witnesses, what they were, the Attainder expresseth not, which most especially pressed, or rather oppressed, him with heinous words spoken against the king in the Church of St. Peter the Poor, in the month of March, in the thirtieth year of the king's reign. Which words, if they be true, as the Attainder doth purport, three things, says Fox, I have here much to marvel at. ' First, if his adversaries had so sure hold and matter against him, then what should move them to make such hasty speed, in all post haste to have him dispatched and rid out of the way, and in no case could abide him to come to his purgation? Which, if he might have done, it is not otherwise to be thought, but he would easily have cleared himself thereof. Secondly, this I marvel, that if the words had been so heinous against the king, as his enemies did pretend, why then did those witnesses which heard those words in St. Peter's Church, in the thirtieth year of the king's reign, conceal the said words of such treason so long, the space almost of two years, and now uttered the same in the two and thirtieth year of the king's reign, in the month of July. Thirdly, here is again to be marvelled, if the king had known or believed these words to be true, and that Cromwell had indeed been such a traitor to his person, why then did the king so shortly after lament his death, wishing to have his Cromwell alive again? What prince will wish the life of him whom he suspecteth undoubtedly to be a traitor to his life and person? Whereby it may appear what judgment the king had of Cromwell in himself, howsoever the parliament by sinister information was otherwise incensed to judge upon him.

The proceedings against him were thought rigorous, but so few pitied him, that all was easily passed over: nevertheless, I find by an Original, that Cranmer wrote to the king in his behalf boldly, considering the times; ' for though,' as is in his letter, ' he heard yesterday in his grace's council, that he is a Traitor; yet, he saith, who cannot be sorrowful and amazed that he should be a traitor against your majesty? He that was so advanced by your majesty, he whose surety was only by your majesty, he who loved your majesty, as I ever thought, no less than God; he who studied always to set forward whatsoever was your majesty's will and pleasure; he that cared for no man's displeasure to serve your majesty; he that was such a servant, in my judgment, in wisdom, diligence, faithfulness, and experience, as no prince in this realm ever had; he that was so vigilant to preserve your majesty from all Treasons, that few could be so secretly conceived, but he detected the same in the beginning? If the noble princes of memory, king John, Henry 2, and Richard 2, had had such a counsellor about them, I suppose they should never have been so traiterously abandoned, and overthrown as those good princes were:' After which, he says again, ' I loved him as my friend, for so I took him to be, but I chiefly loved him for the love which I thought I saw him bear ever towards your grace singularly above all others: But now, if he be a Traitor, I am sorry that ever I loved him, or trusted him, and I am very glad that his treason is discovered in time; but yet again I am very sorrowful; for who shall your grace trust hereafter, if you might not trust him? Alas! I bewail and lament your grace's chance herein, I wot not whom your grace may trust. But I pray God continually night and day to send such a counsellor in his place, whom your grace may trust, and who for all his qualities can and will serve your grace like to him, and that will have so much solicitude and care to preserve your grace from all dangers, as I ever thought he had.' All which, as being a character of Cromwell in Cranmer's opinion, I have faithfully copied out of the Original. Not yet that I will pretend excuses for him, whom the laws have condemned; (though Fox doubts not to say, ' That as General Councils have sometimes been observed to err, so princes and parliaments may be sometimes informed by sinister heads;') but that his punishment may serve as a caution for those that serve severe princes, to procure sufficient warrant for all that they do. The Crimes objected to Cromwell seeming to be chiefly an usurpation of power, to set at liberty certain persons not capable of it, and granting certain Licences, and making certain Commissions in high affairs, without the king's knowledge: For which, though Cromwell in his discretion might have found due motives; yet as he proceeded not warily therein, he fell into the danger of the law. Furthermore, he was accused for being an Heretic, and favouring them: (But then, that the head of the Churches vicegerent in spiritual affairs, should be an Heretic and favourer of them, to some seemed strange, to others gave occasion of merriment.) As for his speaking certain high presumptuous words concerning the king, and sundry of the nobility, many thought it proceeded rather out of mistaking and rashness, than any ill intention.

Cromwel thus unheard, and almost unpitied, being condemned while he was in the Tower, omitted not yet to write unto the king. Amongst the rest of the Commissioners which came unto him, one there was, whom the lord Cromwell desired to carry for him a Letter to the King, which when he refused, saying that he would carry no Letter to the king from a Traitor; then the lord Cromwell desired him at least to do from him a message to the king. To that the other was contented, and granted, so that it were not against his allegiance. Then the lord Cromwell taking witness of the other lords, what he had promised; you shall com-

mend me, said he, to the king, and tell him, by that he hath so well tried, and thoroughly proved you as I have done, he shall find you as false a man as ever came about him.—Besides this, he wrote also a Letter from the Tower to the king, whereof when none durst take the carriage upon him, sir Ralf Sadler, (whom he also had preferred to the king before, being ever trusty and faithfull unto him) went unto the king to understand his pleasure, whether he would permit him to bring the letter or not, which when the king had granted, the said master Sadler, as he was required, presented the Letter unto the king, which he commanded thrice to be read unto him, insomuch as the king seemed to be moved therewith.

The Lord Cromwell brought to the Scaffold.

Notwithstanding, by reason of the Act of Parliament afore passed, the worthy and noble lord Cromwell, oppressed by his enemies, and condemned in the Tower, and not coming to his Answer, the 28th of July 1541, was brought to the scaffold on Tower-hill, where he said these words following;

"I am come hither to die and not to purge myself, as some think peradventure that I will. For if I should so do, I were a very wretch and a miser. I am by the law condemned to die, and thank my Lord God, that has appointed me this death for mine offence. For sithence the time that I have had years of discretion, I have lived a sinner, and offended my Lord God, for the which I ask him heartily forgiveness. And it is not unknown to many of you, that I have been a great traveller in this world, and being but of a base degree, was called to high estate, and sithence the time I came thereunto I have offended my prince, for the which I ask him heartily forgiveness, and beseech you all to pray to God with me, that he will forgive me. And now I pray you that be here, to bear me record, I die in the Catholic faith, not doubting in any article of my faith, no nor doubting in any Sacrament of the Church. Many have slandered me, and reported that I have been a bearer of such as have maintained evil opinions, which is untrue. But I confess, that like as God by his holy spirit doth instruct us in the truth, so the devil is ready to seduce us, and I have been seduced; but hear me witness that I die in the Catholic Faith of the holy Church: and I heartily desire you to pray for the kings grace, that he may long live with you in health and prosperity; and that after him his son, prince Edward that goodly impe, may long reign over you. And once again I desire you to pray for me, that so long as life remaineth in this flesh, I waver nothing in my Faith."

And so making his prayer, kneeling on his knees he spake these words, the effect whereof here followeth:

A Prayer that the Lord Cromwell said at the hour of his Death.

"O Lord Jesus, which art the only health of all men living, and the everlasting life of them which die in thee; I wretched sinner do submit myself wholly unto thy most blessed will, and being sure that the thing cannot perish which is committed unto thy mercy, willingly now I leave this frail and wicked flesh, in sure hope that thou wilt in better wise restore it to me again at the last day in the resurrection of the just. I beseech thee, most merciful Lord Jesus Christ, that thou wilt by thy grace make strong my soul against all temptations, and defend me with the buckler of thy mercy against all the assaults of the devil. I see and acknowledge that there is in myself no hope of salvation, but all my confidence, hope and trust is in thy most merciful goodness. I have no merits nor good works, which I may alledge before thee. Of sins and evil works (alas) I see a great heap; but yet through thy mercy I trust to be in the number of them to whom thou wilt not impute their sins; but wilt take and accept me for righteous and just, and to be the inheritor of everlasting life. Thou merciful Lord was born for my sake, thou didst suffer both hunger and thirst for my sake; thou didst teach, pray, and fast for my sake: all thy holy actions and works thou wroughtest for my sake; thou sufferedst most grievous pains and torments for my sake: finally, thou gavest thy most precious body and thy blood to be shed on the Cross for my sake. Now most merciful Saviour, let all these things profit me, that thou freely hast done for me, which hast given thyself also for me. Let thy blood cleanse and wash away the spots and foulness of my sins. Let thy righteousness hide and cover my unrighteousness. Let the merits of thy passion and blood-shedding be satisfaction for my sins. Give me Lord thy grace, that the faith of my salvation in thy blood waver not in me, but may ever be firm and constant. That the hope of thy mercy and life everlasting never decay in me, that love wax not cold in me. Finally, that the weakness of my flesh be not overcome with the fear of death. Grant me merciful Saviour, that when death hath shut up the eyes of my body, yet the eyes of my soul may still behold and look upon thee, and when death hath taken away the use of my tongue, yet my heart may cry and say unto thee, Lord into thy hands I commend my soul, Lord Jesus receive my spirit. Amen."

And thus his prayer being made, after he had godly and lovingly exhorted them that were about him on the scaffold, he quietly committed his soul into the hands of God, and so patiently suffered the stroke of the ax, by a ragged and butcherly miser, which very ungodly performed his office.

To this end came Cromwel, who from being but a blacksmiths son, found means to travel into divers foreign countries, to learn their languages, and to see the wars, (being a soldier of Bourbon at the sacking of Rome;) whence returning, he was received into the cardinal Wolsey's service: to whom he so approved himself by his fidelity and diligence, that the king after his fall voluntarily took him for his ser-

vant; in which place he became a special instrument for dissolving the Abbies, and other religious houses, and keeping down the clergy; whom in regard of their oath to the pope, he usually termed the king's half subjects: And for expelling the monks, he said it was no more than a restoring them to the first institution of being lay and labouring persons. Neither did it move him, that so much strictness and austerity of life was enjoined them in their several orders, since he said they might keep it in any condition. But as these reasons again were not admitted by divers learned and able persons, so he got him many enemies, who at last procured his fall; but not before he had obtained successively the dignities of Master of the Rolls, Baron, Lord Privy-Seal, Vicegerent to the king in Spiritualities, Knight of the Garter, Earl of Essex, Great Chamberlain of England, &c. He was noted in the exercise of his places of judicature to have used much moderation; and in his greatest pomp, to have taken notice, and been thankful to mean persons of his old acquaintance, and therein had a virtue which his master the cardinal wanted: as for his other descriptions, I leave them to be taken out of Cranmer's letter formerly mentioned, with some deduction; for it seems written to the king in more than ordinary favour of his ancient service.

At the same time with Cromwel, Walter lord Hungerford suffered. The crimes objected to him were, For taking into his house as chaplain one William Bird, who had called the king Heretick, &c. That he had procured certain persons to conjure, to know how long the king should live; also, that he had used the sin of buggery.

Rapin observes, that the care Cromwel took when he came to die, to say nothing which might offend the king, proved to the advantage of his son Gregory, who was that very year created a peer by the title of lord Cromwel.

Shortly after this followed the countess of Salisbury's Execution, who had with Cromwel been excepted from the general Act of Pardon, which, whether occasioned by the late Rebellion, (as being thought of cardinal Pool's instigation) or that she gave some new offence, is uncertain: The old lady being brought to the scaffold, set up in the Tower, was commanded to lay her head on the block; but she (as a person of great quality assured me) refused; saying, 'So should Traytors do, and I am none:' Neither did it serve that the executioner told her it was the fashion; so turning her gray head every way, she bid him, if he would have her head, to get it as he could: So that he was constrained to fetch it off slovenly.

She was daughter of George duke of Clarence, brother of Edward the 4th. She had four sons: cardinal Pole was the youngest. The eldest was Henry lord Montacute, from a daughter of whom the present earl of Moira is descended.

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35. The Trial of Lord LEONARD GREY, at Westminster, for High Treason: 33 Hen. VIII. A. D. 1541. [Holling. Chron. in the Irish Hist. 102. 1 Cox's Ireland, 264.]

["Hall, Grafton, Stow, and lord Herbert, all make mention of this Trial. It is also noticed in Ware's Annals of Ireland. But Hollingshead in the Chronicles of Ireland, and sir Richard Cox in his History of Ireland, are most particular; and therefore what we shall give will be an extract from these latter writers.—In the earl of Strafford's case, Mr. St. John, arguing before the lords for the bill of attainder against the earl, cited this Trial of lord Leonard Grey, particularly to prove, that treasons committed in Ireland are triable here; and said, that he had read the whole record of the case. 8 Rushw. 689, 694, 695. But Mr. St. John represents the charges against lord Leonard Grey differently from the author of the Irish Chronicles and sir Richard Cox; for, according to Mr. St. John, lord Leonard was attainted of High Treason, for letting diverse rebels out of the Castle of Dublin, and discharging Irish hostages given to secure the king's peace, and for not punishing one, who said, that the king was an heretick. It is observable, too, that Mr. St. John argues for a trial in England, independently of any statute; and to prove his point, takes notice, that lord Leonard Grey's case was before the 35 Hen. 8, c. 2, as if that was the only statute for trying foreign treasons in England. But there are two other statutes about the trial of foreign treasons, which, being prior to lord Leonard Grey's case, were material to be considered. See 26 Hen. 8, c. 13. § 4. 32 Hen. 8, c. 4. The 33 Hen. 8, c. 24, on the same subject, seems subsequent several months; otherwise that also would have required observation. We are the more particular in adverting to this omission of Mr. St. John; because there is a like one in our principal writers on Criminal Law, not one of whom, as well as we can recollect, pointedly attends to all the statutes. We do not even except Staundford, though his work contains a chapter on the trial of crimes committed out of the realm. See Staundf. Pl. c. 89. *a.*" Hargrave.]

Extract from Hollingshead's Chronicle in the Irish History, p. 102.

THE gouernor, lord Leonard Grey, turning the oportunitie of this skirmish (with some Irish revolters) to his aduantage, shortlie after rode to the north, preiding and spoiling Oneale

with his confederats, who by reason of the late ouerthrow were able to make but little resistance. In this iornie he rased Saint Patrike his church in Downe, an old ancient citie of Ulster, and burnt the monuments of Patrike, Brigide, and Colme, who are said to haue beene there intoomed, as before is expressed in the description of Ireland. This fact lost him sundrie harts in that countrie, alwaies after detesting and abhorring his prophane tyrannie, as they did name it. Wherevpon conspiring with such of Mounster as were enimies to his gouernment, they booked vp diuerse Complaints against him, which they did exhibit to the king and councell. The Articles of greatest importance laid to his charge were these. 1 Inprimis, "That notwithstanding he were strictlie commanded by the king his maiestie, to apprehend his kinsman the yong Fitzgirald, yet did he not onlie disobeie the kings letters as touching that point by plaieng bopeepe, but also had priuie conference with the said Fitzgirald, and laie with him two or three seuerall nights before he departed into France.—2 Item, That the cheefe cause that mooued him to inuegle Thomas Fitzgirald with such faire promises, proceeded of set purpose to haue him cut off, to the end there should be a gap set open for the yong Fitzgirald to aspire to the earledome of Kildare.—3 Item, That he was so greedilie addicted to the pilling and polling of the king his subjects, namelie of such as were resiant in Mounster, as the beds he laie in, the cups he dranke in, the plate with which he was serued in anie gentlemans house, were by his seruants against right and reason packt vp, and carried with great extortion awaie.—4 Item, That without anie warrant from the king or councell, he prophaned the church of Saint Patrikes in Downe, turning it to a stable, after plucked it downe, and shipt the notable ring of bels that did hang in the steeple, meaning to haue sent them to England: had not God of his iustice preuented his iniquitie, by sinking the vessell and passengers wherein the said belles should haue beene conueied."—These and the like Articles were with such odious presumptions coloured by his accusers, as the king and councell remembring his late faults, and forgetting his former seruices (for commonlie all men are of so hard hap, that they shall be sooner for one trespasse condemned, than for a thousand good deserts commended) gaue commandement, that the lord Greie should not onelie be remooued from the gouernment of the countrie, but also had him beheaded on the Tower-hill, the 28th of June. But as touching the first Article, that brought him most of all out of conceipt with the king, I mooued question to the erle of Kildare, whether the tenor therof were true or false? His lordship thereto answered *bona fide*, that he neuer spake with the lord Greie, neuer sent messenger to him, nor receiued message or letter from him. Whereby maie be gathered, with how manie dangers they are inwrapped that gouerne prouinces, wherein diligence is (whackt with hatred, negligence is loden with tawnts, seueritie with perils menaced, liberalitie with thanklesse vnkindnesse contemned, conference to vndermining framed, flatterie to destruction forged, each in countenance smiling, diuerse in heart pouting, open fawning, secret grudging, gaping for such as shall succeed in gouernment, honouring magistrates with cap and knee as long as they are present, and carping them with toong and pen as soone as they are absent.

Extract from 1 *Cox's History of Ireland*, 264.

Before we proceed farther in the affairs of Ireland, it will be fit to pay that respect to the memory of the late lord deputy, the lord Grey, as to give some account of his misfortunes and destiny. He had certainly performed considerable atchievements in Ireland, and great commendations of him are contained in most of the letters from the council to the king; and his majesty did so well approve of his good services, that he created him viscount Grany; and although the earl of Ormond, the lord chancellor Allen, the vice-treasurer Brabazon, and sir John Travers, went with him, or immediately followed him into England, to impeach him, yet he was kindly received by the king, and carried the sword before him on Whitsunday: nevertheless he was in a short time after imprisoned in the Tower, and accused of very many Articles; the principal of which are these:

1. "That O Conner feasted him, and mended Toghercroghan for him; and that in favour of O Molloy, a rebel, he took a castle from Dermond O Molloy, whose father-in-law O Carol was a good subject; for which the lord Grey had a bribe, and Stephen ap Harry had twenty cows. 2. That he took the castle of Bir from a loyal O Carol, and gave it to a rebel O Carol, who married the earl of Kildare's daughter, and also took Moderhern, a castle belonging to the earl of Ormond, and gave it to the rebel O Carol, and wasted the earl of Ormond's lands: for which, he had an hundred and forty kine and Stephen ap Harry had forty, and Girald Mac Gerrot had a black hackny. 3. That he took forty kine from O Kenedy, a tenant of the earl of Ormond's, and his son for hostage. 4. That he held secret and private familiar correspondenee with James of Desmond, and went to visit him in his tents in his night-gown, and forced the abbot of Owny to give him forty pounds sterling to preserve that abby from ruine, and O Brian to give him thirty kine and hostages; and Ulick Bourk, a bastard, gave him 100 marks to have Ballimacleere-Castle, and to be made Mac William; and that he carried the artillery in a small vessel to Galway, and made the town of Galloway pay thirty-four pounds for that carriage. 5. That the exploits at Bryans bridge, &c. were in favour of O Bryan a rebel, Desmond's son-in-law, and to the prejudice of Donough O Bryan, a good subject; and that he took a bribe of eighty kine from

Macnemarra. 6. That trusting Desmond and O Bryan, he hazarded the king's army in a long and dangerous journey, wherein Desmond quarrelled, and deserted him, and O Bryan sent but one man with a battle-ax to guide him. 7. That he rifled the abby of Ballyclare, and left neither chalice, cross nor bell in it. 8. That he destroyed the castles of Lecagh and Derriviclaghny, in favour of Ulick Burk, though the rightful proprietor offered submission and rent to the king. 9. That he had secret conference with and received a horse from O Connor Roe, who was the chief instrument in conveying away the young Fitz-Girald. 10. That he took eighty kine from O Maddin, and forced O Mlaghlin's son from Mr. Dillon, whose lawful prisoner he was; for which he had seventy kine."

And there was a Commission sent to Ireland, to examine witnesses; and they say that these Articles were proved by the testimony of above 70 persons; whereof some were of quality, that is, some of them swore to one article, and some to another; so that the lord Grey, who was son to the marquess of Dorset, and viscount Grany in Ireland, but no peer in England, being tried by a common jury, thought it his best way to confess the indictment, in hopes of the king's grace and pardon: but in that he was mistaken; and although his services did infinitely over-balance his faults, yet he was publickly executed on the 28th of July 1541.

There are four other Articles mentioned by others, to be laid to his charge. 1. "His partiality to his nephew Fitz-Girald, afterwards earl of Kildare, whom they say he might have taken. 2. That his servants pillaged the gentlemen in Munster, that entertained them. 3. That he had inveigled Thomas Fitz-Gerald to submit, by promises which he had no commission to perform; and that he did it, to destroy that lord, that his own nephew might come to be earl of Kildare (as afterwards he did.) 4. His sacrilege at Down; but however that be, it was not long after his execution, before a commission was directed to archbishop Brown, and Cowley master of the rolls, to make an estimate or survey of the lord Grey's estate in Ireland, and to deliver it to the lord deputy Saintleger, to be disposed of as the king shall direct."

36. The Trial of Sir EDMOND KNEVET, knight, at Greenwich, for striking a Person within the King's Palace there: 33 Henry VIII. A. D. 1541. [Stowe's Annals, 581.]

["The following Trial, if so slight an account deserves the name, we extract from Stowe, who borrows from Hollingshead. The trial is also taken notice of in 'Brooke's Abridgment,' under the title *Pain and Penance*, pl. 16. It occurred a few months after the statute of 33 Hen. 8. by which, malicious striking in the palace where the king resides, so as to draw blood, is punishable, not only by imprisonment for life and fine at discretion, but further by cutting off the right hand of the offender. Whether the prosecution was grounded on the statute, is not explained by Stowe; and what renders it more doubtful is, that by the statute, drawing of blood is essential, which circumstance neither Brooke nor Stowe states as part of sir Edmond Knevet's case.—Cutting off the hand is a rare punishment by the English law; and the cruelty of it being considered, it must give pleasure to the humane reader to know, that there are very few instances of inflicting it. We are not aware, that there are any crimes, which by our law are liable to be so punished, except drawing a weapon on one of the king's judges, and striking in the king's courts or his palaces; and so unfrequent have been both those crimes, that perhaps all our books do not furnish ten cases of the sort. 3 Inst. 140. Dy. 188. and the marginal cases in the edition of 1688.—The manner in which sir Edmond Knevet obtained a pardon of his offence, must strike every reader of sensibility. The circumstances do equal honour to sir Edmond and his sovereign; to the former for his manly request to pay the forfeit by his left hand instead of his right, that he might be better able to serve his king and country; to the latter, for feeling the greatness of mind which such a request denoted." Hargrave.]

Extract from Stowe's Annals, 581.

THE 10th of June, sir Edmond Knevet, knight of Norffolke, was arraigned before the kings justices, sitting in the great hall at Greenewich, master Gage comptrollor of the kings houshold, master Suthwell, sir Anthony Browne, sir Anthony Winkfield, master Wrisley, and Edmond Pecham cofferer of the kings housholde, for striking of one master Clere of Norffolke, servant with the earle of Surrey, within the kings house in the Tenice court. There was first chosen to goe vpon the said Edmond, a quest of gentlemen, and a quest of yeomen, to enquire of the said stripe, by the which inquests he was found Guilty, and had Judgement to loose his right hand; whereupon was called to do the execution, first the serjeant chirurgion, with his instrument appertaining to his office: the sergeant of the woodyard with the mallet and a blocke, whereupon the hand should lie: the master cooke for the king with the knife: the sergeant of the larder to set the knife right on the ioynt: the sergeant farrier with his searing yrons to seare the veines: the

sergeant of the poultry with a cocke, which cocke should have his head smitten off vpon the same blocke, and with the same knife: the yeoman of the chandry with seare clothes: the yeomen of the scullery with a pan of fire to heat the yrons: a chafer of water to coole the ends of the yrons: and two fourmes for all officers to set their stuffe on: the sergeant of the seller with wine, ale, and beere: the yeomen of the ewry in the sergeants steed, who was absent, with bason, ewre, and towels. Thus every man in his office ready to doe the execution, there was called forth sir William Pickering knight marshall, to bring in the said Edmond Knevet, and when hee was brought to the barre, the cheife justice declared to him his trespasse, and the said Knevet confessing himselfe to be guilty, humbly submitted him to the kings mercy: for this offence he was not onely iudged to loose his hr nd, but also his body to remaine in prison, and his landes and goods at the kings pleasure. Then the sayd sir Edmond Knevet desired that the king of his benigne grace, would pardon him of his right hand, and take the left: for (quoth he) if my right hand be spared, I may heareafter doe such good seruice to his grace, as shall please him to appoint. Of this submission and request the justices forthwith informed the king, who of his goodnes, considering the gentle heart of the said Edmond, and the good report of lords and ladies, granted him pardon, that he should loose neither hand, land, nor goods, but should go free at liberty. *(a)*

(a) See the Case of the duke of Devonshire, A. D. 1687; and of lord Thanet and Mr. Fergusson, A. D. 1799.

37. Proceedings against Queen CATHARINE HOWARD, for Incontinency: 33 Henry VIII. A. D. 1542. [Lord Herbert's Life of Hen. VIII. in 2 Kenn. Comp. Hist. 228. 1 Rapin, 831. 1 Cobb. Parl. Hist. 550.]

BUT our king encountered a greater vexation; for the queen was supposed to offend in Incontinency; some particulars whereof being extant in our Records, I have thought fit, says lord Herbert, to transcribe, rather than to make other narration; the family of which she came being so noble and illustrious, and the honour of her sex (which is tender) being concerned therein. The Letter sent from divers of the Council to William Paget, our ambassador then in France, was this:

"After our hearty commendations, by these our letters, we be commanded to signify unto you, a most miserable case, which came lately to revelation, to the intent that if you shall hear the same spoken of, you may declare the truth as followeth: Where the king's majesty upon the Sentence given of the Invalidity of the pretended Matrimony between his highness and the lady Anne of Cleve, was earnestly and humbly solicited by his council, and the nobles of this realm, to frame his most noble heart to the love and favour of some noble personage to be joined with him in lawful Matrimony, by whom his majesty might have some more store of fruit, and succession to the comfort of this realm; it pleased his highness upon a notable appearance of honour, cleanness and maidenly behaviour, to bend his affection towards mistress Catharine Howard, daughter to the late lord Edmond Howard, brother to me the duke of Norfolk, insomuch as his highness was finally contented to honour her with his Marriage, thinking now in his old days, after sundry troubles of mind, which have happened unto him by Marriages, to have obtained such a jewel for womanhood, and very perfect love towards him, as should not only have been to his quietness, but also brought forth the desired fruit of marriage, like as the whole realm thought the semblable, and in respect of the virtue and good behaviour which she shewed outwardly, did her all honour accordingly. But this joy is turned into extream sorrow; for when the king's majesty receiving his Maker on Alhallows day last past, then gave him most humble and hearty thanks for the good life he led and trusted to lead with her, and also desired the bishop of Lincoln, his ghostly father, to make like prayer, and give like thanks with him; on All-souls day being at mass, the archbishop of Canterbury having a little before heard, that the same mistress Catharine Howard was not indeed a woman of that pureness and cleanness that she was esteemed; but a woman, who before she was joined with the king's majesty, had lived most corruptly and sensually; for the discharge of his duty opened the same most sorrowfully to his majesty, and how it was brought to his knowledge, which was in this form following.—While the king's majesty was in his Progress, one John Lossels came to the said abp. of Canterbury, and declared unto him, that he had been with a sister of his married in Sussex, which sometimes had been servant with the old dutchess of Norfolk, who did also bring up the said mistress Catharine, and being with his said sister, chanced to fall in communication with her of the queen, wherein he advised her (because she was of the queen's old acquaintance) to sue to be her woman; whereunto his sister answered, that she would not so do; but she was very sorry for the queen; Why, quoth Lossels? Marry, quoth she, for she is light both in living and condition: How so, quoth Lossels? Marry, quoth she, there is one Francis Derrham, who

was servant also in my lady of Norfolk's house, which hath lien in bed with her in his doublet and hose between the sheets an hundred nights. And there hath been such puffing and blowing between them, that once in the house a maid which lay in the house with her, said to me, She would lie no longer with her, because she knew not what matrimony meant. And further she said unto him, that one Mannock, sometimes also servant to the said dutchess, knew a privy mark of her body. When the said Lossels had declared this to the said abp. of Canterbury, he considering the weight and importance of the matter, being marvellously perplexed therewith, consulted in the same with the lord chancellor of England, and the earl of Hertford, whom the king's majesty going in his Progress left to reside at London, to order his affairs in those parts; who having weighed the matter, and deeply pondered the gravity thereof, wherewith they were greatly troubled and unquieted, resolved finally that the said archbishop should reveal the same to the king's majesty; which because the matter was such, as he hath sorrowfully lamented, and also could not find in his heart to express the same to the king's majesty by word of mouth, he declared the Information thereof to his highness in writing. When the king's majesty had read this Information thus delivered unto him, his grace being much perplexed therewith, yet nevertheless so tenderly loved the woman, and had conceived such a constant opinion of her honesty, that he supposed it rather to be a forged matter, than of truth. Whereupon it pleased him secretly to call unto him the lord privy seal, the lord admiral sir Anthony Brown, and sir Tho. Wriothesly; to whom he opened the case, saying, He could not believe it to be true: And yet seeing the Information was made, he could not be satisfied till the certainty thereof was known; but he would not in any wise, that in the inquisition any spark of scandal should rise towards her. Whereupon it was by his majesty resolved, that the lord privy seal should go straight to London, where the said Lossels that gave the Information was secretly kept, and with all dexterity to examine and try whether he would stand to his saying: Who being so examined, answered, That his sister so told him, and that he had declared it for the discharge of his duty, and for none other respect; adding that he knew what danger was in it; nevertheless, he had rather die in declaration of the truth, as it came to him, seeing it touched the king's majesty so nearly, than live with the concealment of the same: which asseveration being thus made by the said Lossels, the king's majesty being informed thereof, sent the Lord Privy-Seal into Sussex, to examine the woman, making a pretence to the womans husband of hunting, and to her for receiving of hunters; and sent the said Tho. Wriothesly to London at the same instant, both to examine Mannock, and also to take the said Derrham upon a pretence of pyracy, because he had been before in Ireland, and hath been noted before with that offence; making these pretences to the intent no spark of suspicion should rise of these Examinations. The said Lord Privy Seal found the woman in her Examination constant in her former sayings: and sir Tho. Wriothesly found by the Confession of Mannock, that he had commonly used to feel the secrets and other parts of her body, ere ever Derrham was so familiar with her; and Derrham confessed that he had known her carnally many times, both in his doublet and his hose between the sheets, and in naked bed, alledging such Witnesses of three sundry women one after another, that had lien in the same bed with them when he did the acts, that the matter seemed most apparent. But what inward sorrow the king's majesty took when he perceived the Information true, as it was the most woful thing that ever came to our hearts, to see it; so it were too tedious to write it unto you. But his heart was so pierced with pensiveness, that long it was before his majesty could speak, and utter the sorrow of his heart unto us: and finally with plenty of tears (which was strange in his courage) opened the same. Which done, she was spoken withal in it by the abp. of Canterbury, the Lord Chancellor, the duke of Norfolk, the Lord Great Chamberlain of England, and the bishop of Winchester; to whom at the first she constantly denyed it; but the matter being so declared unto her, that she perceived it to be wholly disclosed, the same night she disclosed the whole to the abp. of Canterbury, who took the Confession of the same in Writing subscribed with her hand: then were the rest of the number, being eight or nine men and women which knew of their doings, examined, who all agreed in one tale. —Now may you see what was done before the Marriage; God knoweth what hath been done sithence: but she had already gotten this Derrham into her service, and trained him upon occasions, as sending of errands, and writing of letters when her secretary was out of the way, to come often into her privy chamber. And she had gotten also into her privy chamber to be one of her chamberors, one of the women which had before lien in the bed with her and Derrham: what this pretended is easy to be conjectured. Thus much we know for the beginning; whereof we thought meet to advertise you, to the intent afore specifyed: and what shall further succeed and follow of this matter, we shall not fail to advertise you thereof accordingly.—You shall also receive herein inclosed a packet of Letters, directed unto sir Henry Knevet, his graces ambassador with the emperor, which his highness's pleasure is you shall see conveyed unto him by the next post. Thus fare you right heartily well.—From the king's Palace at Westminster the 12th of November. Your loving Friends, ... * Thomas Audeley, Chancellor;

* Here were other Names, which are now defaced in the Original; but 'D. Norfolk' may by the contents of the Letter be supposed one.

E. Hertford, William Southampton, Robert Sussex, Stephen Winton, Anthony Wingfield."

Besides the persons specifyed in this Letter, one Thomas Culpeper (being of the same name with the queen's mother) was indicted for the same fault (as our Histories have it,) which he and Derrham at their Arraignment confessing, Culpeper had his head cut off, and Derrham was hanged and quartered. But it rested not here; for the lord Wm. Howard (the queen's uncle, newly returned from an ambassage in France) and his wife, and the old dutchess of Norfolk, and divers of the queen's and the said dutchess's kindred and servants, and a butter-wife, were indicted of Misprision of Treason (as concealing this fact,) and condemned to perpetual prison; though yet by the king's favour some of them at length were released. The king yet not satisfyed thus, for more authorizing his proceeding, referred the business to the parliament sitting the 16th of January, 1541. On the 21st of the same month a Bill was brought into the house, and read a first time for the Attainder, on the charge of High Treason, of Catherine Howard, late queen of England, and Jane lady Rochford, with others. And in the same Bill was contained the Attainders, on misprision of treason, of Agnes Howard duchess of Norfolk, Wm. Howard, &c. On the 28th, the lord chancellor declared to the rest of the peers, "How much it concerned all their honours, not to proceed to give too hasty a judgment on the bill for the attainder of the queen and others, which had yet been only once read amongst them. For that they were to remember that a queen was no mean or private person, but an illustrious and public one. Therefore, her cause was to be judged with that sincerity, that there should be neither room for suspicion of some latent quarrel, or that she should not have liberty to clear herself, if perchance, by reason or council she was able to do it, from the crime laid to her charge. For this purpose he thought it but reasonable, that some principal persons, as well of the lords as commons, should be deputed to go to the queen, partly to tell her the cause of their coming, and partly in order to help her womanish fears, by advising and admonishing her to have presence of mind enough to say any thing to make her cause better. He knew for certain, that it was but just that a princess should be judged by equal laws with themselves; and he could assure them, that the clearing herself in this manner would be highly acceptable to her most loving husband. But that some answer ought to be had from her, and to report the truth of it to his majesty, his advice was, that they should choose the archbishop of Canterbury; Charles duke of Suffolk, grand master of the household; William earl of Southampton, lord privy seal; with the bishop of Westminster; if the king's council approved of this, day after day, to repair to the queen, to treat of this matter, according as their own prudence might think it necessary." And in the mean time, the sentence concerning the bill against her majesty was ordered to be suspended.—On the 30th of January, the chancellor declared to the lords openly, that the privy council, on mature deliberation, disliked the message that was to be sent to the queen; nevertheless, in the mean time, they had thought of another way, less faulty, to be put to the king, or rather to be altogether demanded of him: "1st. That his majesty would condescend, according to his usual wisdom in council, to weigh by an equal balance, the mutability of all human affairs; that nature is weak and corrupt; none made free from accidents; and that no man can be happy in every thing. That the whole state of the kingdom depends on his majesty's resolution to divert his mind from all trouble and solicitude. Next, that the attainder of Thomas Colepepper and Francis Dereham, with the king's assent, should be confirmed by authority of parliament. Also the attainder on misprision against lord William Howard. And that the parliament might have leave to proceed to give judgment, and to finish the queen's cause; that the event of that business may be no longer in doubt. 3rd, That when all these things are compleated in a just parliamentary method, without any loss of time, that then his majesty would condescend to give his royal assent to them; not by being present and speaking openly, as the custom hath been in other parliaments, but absent, by his letters patents, under the great seal of England, and signed by his own hand. That the remembrance of this late and sorrowful story and wicked facts, if repeated before him, may not renew his grief and endanger his majesty's health. Lastly, they were to beseech his majesty that if by chance, by speaking freely on the queen, they should offend against the statutes then in being, out of his great clemency, he would pardon all and every of them for it. And to propound all these matters to his majesty, the archbishop of Canterbury, Charles duke of Suffolk, with the earl of Southampton, were deputed for that purpose."—January 31, the lord chancellor declared to the house, "That their message and request of yesterday had been delivered to his majesty by the lords commissioners; and that the king had denied no part of their petition, but had orderly granted every part of it. That he had returned them thanks for their loving admonition in regard to his health; which he said he took care of, not so much for the sake of his own body, as that of the whole republic. Nay, his majesty declared further to them than they durst ask of him, as in the case of desiring liberty of speech, &c. For he told them he granted yet more, in giving leave for each man to speak his mind freely, and not incur the penalty which the laws had fixed on those who took the liberty to talk on the incontinency of queens; especially when the said person did not do it out of malice or ill will, but out of zeal for his service."

On the 11th of February, the lord chancellor produced two statutes, which had passed both

lords and commons; one concerning the Attainder of the queen, and the other about the method of proceeding against lunatics, who before their insanity had confessed themselves guilty of high treason. Each statute signed with the king's own hand, and together with his majesty's assent to them, under the broad seal, and signed also, which was annexed to the said statutes. This the chancellor held forth in both hands, that both lords and commons, who were called for that purpose, might apparently see it, and that the statutes might from thence have the full force and authority of a law. Which, when done, the duke of Suffolk, grand master of the king's household, delivered himself, in a very serious discourse, to this effect: he told the houses, "That he and his fellow-deputies, appointed to wait upon the queen, had been with her; and that she had openly confessed and acknowledged to them the great crime she had been guilty of against the most high God and a kind prince, and lastly against the whole English nation. That she begged them all to implore his majesty not to impute her crime alone to her whole kindred and family. But that his majesty howsoever unworthy she might be and undeserving, would yet extend his unbounded mercy and his singular beneficence to all her brothers, that they might not suffer for her faults. Lastly, to beseech his majesty that it would please him to bestow some of her cloaths on those maid-servants who had been with her from the time of her marriage, since she had now nothing else left to recompence them as they deserved." The earl of Southampton, lord privy seal, next stood up in the house, and, in near the same words, confirmed what the duke had said: adding - - - . Here the Journal Book again breaks off abruptly, and we are only told that the chancellor prorogued the parliament to the Tuesday following. This last *hiatus in manuscripto,* along with the former, makes it seem evident, that they were not done by neglect of the clerks, but by design; and that it was a trick of state, to prevent posterity from being acquainted with some matters, not consistent with the respect they then paid to their grand monarch.

And so the queen and lady Jane Rochfort (wife to the late lord Rochfort, and noted to be a particular instrument in the death of queen Anne) were brought to the Tower, and after confession of their faults, had their heads cut off.—An Act also passed, declaring that it shall be lawful for any of the king's subjects, if themselves do perfectly know, or by vehement presumption do perceive any will, act or condition of lightness of body in her which shall be the queen of this realm, to disclose the same to the king, or some of his council; but they shall not openly blow it abroad, or whisper it, until it be divulged by the king or his council. If the king, or any of his successors shall marry a woman which was before incontinent, if she conceal the same, it shall be High-Treason, &c. But this Act was repealed 1 Edward VI. 12. and 1 Mary 1.

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38. The Trial of HENRY Earl of SURREY, for High Treason, before Commissioners of Oyer and Terminer, at Guildhall, London: 38 Henry VIII. A. D. 1546; with the Proceedings against his Father THOMAS duke of NORFOLK, for the same Crime. [Lord Herbert's Hen. VIII. in 2 Kennett's Compl. Hist. 263. 1 Burn. Reform. 345.]

Extract from Lord Herbert's Hen. 8.

I SHALL conclude this year, 1546, with the disaster of the renowned lord the duke of Norfolk, and the execution of his son Henry the earl of Surrey, which passed in this manner, as our records tell us.—The dutchess Elizabeth, daughter to Edward Stafford duke of Buckingham, having for many years entertained so violent jealousies of the duke her husband's matrimonial affection and loyalty, as it broke out at last to open rancour, divers occasions of scandal were given; insomuch, that not being content with having surmized a long while since two Articles against him, she again, in sundry letters to the lord privy-seal, both averred the Articles, and manifestly accused some of his minions, repeated divers hard usages she pretended to receive from them, and briefly discovered all the ordinary passions of her offended sex. This again being urged in a time when the king was in his declining age, and for the rest, disquieted with scruples that the duke's greatness or interest in sequent times might interrupt the order he intended to give, was not unwillingly heard. So that notwithstanding his many important and faithful services, both in war and peace, at home and abroad, he and his son Henry earl of Surrey were exposed to the malignity and detraction of their accusers. This again fell out in an unfortunate time; for besides that the lady his dutchess had now for above four years been separated from him; his son the earl of Surrey was but newly, and perchance, scarce reconciled with him; his daughter Mary dutchess of Richmond not only inclined to the protestant party, (which loved not the duke) but grown an extreem enemy of her brother: so that there was not only a kind of intestine division in his family, but this again many secret ways fomented.

Among which, the industry of one Mrs. Holland, thought to be the duke's favourite, appeared not a little, as desirous (at what price soever) to conserve herself. Besides, divers at the king's council disaffected him, and particularly the earl of Holland, as knowing that after the king's death (now thought to be imminent) none was so capable to oppose him in the place he aspired to of protector. All which circumstances concurring, and being voiced abroad, encouraged divers of his adversaries to declare themselves; and the rather, because it was notorious, how the king had not only withdrawn much of his wonted favour, but promised impunity to such as could discover any thing concerning him.

The first that manifested himself was sir Richard Southwel, (Dec. 2.) who said that he knew certain things of the earl, that touched his fidelity to the king. The earl, before the lord chancellor Wriothesley, the lord St. John, the earl of Hertford, and others, vehemently affirmed himself a true man, desiring to be tryed by justice, or else offering himself to fight in his shirt with Southwel. But the lords for the present only committed them. The duke this while, hearing his son was in trouble, sends to divers of his friends to know the cause, and particularly to the bishop of Winchester. (Dec. 3, 4.) Those letters yet (it is probable) fell into the king's council's hands; but could not preserve him from being involved in his son's fortune: (Dec. 12.) so that he was sent for, and the same day, not long after his son, committed to the Tower. Divers persons also were examined concerning his affairs. Mrs. Elizabeth Holland being deposed, confessed, that the duke had told her, that none of the king's council loved him, because they were no noblemen born themselves; as also because he believed too truly in the sacrament of the altar. Moreover, that the king loved him not, because he was too much loved in his country; but that he would follow his father's lesson, which was, that the less others set by him, the more he would set by himself. As also, that the duke complained that he was not of the most secret (or, as it is there termed, the privy) council. And that the king was much grown of his body, and that he could not go up and down the stairs, but was let up and down by a device. And that his majesty was sickly, and could not long endure; and the realm like to be in an ill case through diversity of opinions. And that if he were a young man, and the realm in quiet, he would ask leave to see the *vernacle;* which he said was the picture of Christ given to women by himself as he went to death. As touching his arms, that she had not heard the duke speak of his own, but of his son's, that he liked them not, and that he had gathered them, himself knew not from whence; and that he placed the Norfolk's arms wrong, and had found fault with him; and therefore that she should take no pattern of his son's arms to work them with her needle in his house, but as he gave them. Furthermore, she confessed that the earl of Surrey loved her not, nor the dutchess of Richmond him; and that she addicted herself much to the said dutchess.

Mary dutchess of Richmond being examined, confessed, that the duke her father would have had her marry sir Thomas Seymour, brother to the earl of Hertford, which her brother also desired, wishing her withal to endear herself so into the king's favour, as she might the better rule here as others had done; and that she refused: and that her father would have had the earl of Surrey to have matched with the earl of Hertford's daughter, which her brother likewise heard of (and that this was the cause of his father's displeasure) as taking Hertford to be his enemy. And that her brother was so much incensed against the said earl, as the duke his father said thereupon, his son would lose as much as he had gathered together.

Moreover, that the earl her brother should say, these new men loved no nobility; and if God called away the king, they should smart for it. And that her brother hated them all since his being in custody in Windsor-Castle: but that her father seemed not to care for their ill will, saying his truth should bear him out. Concerning arms, she said, that she thought that her brother had more than seven rolls; and that some, that he had added more of Anjou, and of Lancelott Du-lac. And that her father since the attainder of the duke of Buckingham (who bare the king's arms) where the arms of her mother (daughter to the said duke) were rayned in his coat, had put a blank-quarter in the place, but that her brother had re-assumed them. Also that instead of the duke's coronet, was put to his arms a cap of maintenance purple, with powdered furr, and with a crown to her judgment, much like to a close crown; and underneath the arms was a cipher, which she took to be the king's cipher. H R. As also that her father never said that the king hated him, but his counsellors; but that her brother said, the king was displeased with him (as he thought) for the loss of the great journey. Which displeasure, he conceived, was set forward by them who hated him, for setting up an altar in the church at Boulogne. And that her brother should say, God long save my father's life; for if he were dead, they would shortly have my head. And that he reviled some of the present council, not forgetting the old cardinal. Also that he dissuaded her from going too far in reading the scripture. Some passionate words of her brother she likewise repeated, as also some circumstantial speeches, little for his advantage; yet so, as they seemed much to clear her father.

Sir Edmund Knevet being examined, said, he knew no untruth directly by the earl of Surrey, but suspected him of dissimulation and vanity; and that a servant of his had been in Italy with cardinal Poole, and was received again at his return. Moreover, that he kept one Pasquil an Italian as a jester, but more likely a spy, and so reputed. He mentioned also one Peregrine an Italian entertained by

the said earl; adding, that he loved to converse with strangers, and to conform his behaviour to them. And that he thought he had therein some great ill device.

One Thomas Pope also informed the council, that John Freeman told him, that the duke (at Nottingham, in the time of the commotion of the North) should say, in the presence of an hundred persons, that the Act of Uses was the worst act that ever was made, and that Freeman affirmed those words before the lord Audeley, late lord chancellor. These Depositions together with others (as it seems) being brought to the king's Judges at Norwich, they signified by their letter unto the lords of the council, dated Jan. 7. that the king's solicitor and Mr. Stamford had brought the Indictments, and that they were found true, and the duke and his son indicted thereupon of High-Treason; and that they made haste to bring the said indictment to London; desiring further to know whether sir Thomas Paston, sir Edmund Knevet, sir John Peer, and others, should be of the same jury. Upon the 13th (the king being now dangerously sick) the earl of Surrey was arraigned in Guild-hall in London, before the lord chancellor, the lord mayor, and other commissioners. Where the earl, as he was of a deep understanding, sharp wit, and deep courage, defended himself many ways: sometimes denying their accusations as false, and together weakning the credit of his adversaries; sometimes interpreting the words he said, in a far other sense than that in which they were represented. For the point of bearing his arms (among which those of Edmund the Confessor are related) alledging that he had the opinion of heralds therein. And finally, when a witness was brought against him *viva voce*, who pretended to repeat some high words of the earl's by way of discourse, which concerned him nearly, and that thereupon the said witness should return a braving answer; the earl replyed no otherwise to the jury, than that he left it to them to judge, whether it were probable that this man should speak thus to the earl of Surrey, and he not strike him again. In conclusion, he pleaded Not Guilty; but the jury (which was a common inquest, not of the peers, because the earl was not a parliament lord) condemned him. Whereupon also judgment of death was given, and he beheaded at Tower-hill. And thus ended the earl; a man learned, and of an excellent wit, as his compositions shew.

This while the king (though his sickness increased) omitted not to give order to seize on the duke's goods, and together to inform himself of all which might be material against him. Not forgetting also to cause Wriothesley to advertise the king's ambassadors in foreign parts, that the duke of Norfolk and his son had conspired to take upon them the government of the king, during his majesty's life, as also after his death to get into their hands the lord prince; but that their devices were revealed, and they committed to the Tower. And that for preventing uncertain bruits, they were willing to communicate the premisses. But the duke, who had now as much merit of ancient service to plead for him, as any subject of his time could pretend to, thought fit (Jan. 19.) from the Tower, to write unto the king in this manner.

"Most gracious and most sovereign lord. I your most humble subject prostitute at your feet, do most humbly beseech your highness to be my good and gracious lord. I am sure some great enemy of mine hath informed your majesty of some untrue matter against me. Sir, God doth know, in all my life I never thought one untrue thought against you, or your succession, nor can no more judge or cast in my mind what should be laid to my charge, than the child that was born this night. And certainly, if I knew that I had offended your majesty in any point of untruth, I would declare the same to your highness. But (as God help me) I cannot accuse myself so much as in thought. Most noble and merciful sovereign lord, for all the old service I have done you in my life, be so good and gracious a lord unto me, that either my accusers and I together may be brought before your royal majesty; or if your pleasure shall not be to take that pains, then before your council: then if I shall not make it apparent that I am wrongfully accused, let me, without more respite, have punishment according to my deserts: Alas! most merciful prince, I have no refuge but only at your hands, and therefore at the reverence of Christ's passion have pity of me, and let me not be cast away by false enemies informations. Undoubtedly, I know not that I have offended any man, or that any man was offended with me, unless it were such as are angry with me for being quick against such as have been accused for sacramentaries. And as for all causes of religion, I say now, and have said to your majesty and many others, I do know you to be a prince of such virtue and knowledge, that whatsoever laws you have in times past made, or hereafter shall make, I shall to the extremity of my power stick unto them as long as my life shall last. So that if any man be angry with me for these causes, they do me wrong. Other cause I know not why any man should bear me any ill-will: and for this cause I know divers have done, as doth appear by casting libels abroad against me. Finally, (most gracious sovereign lord) I most humbly beseech your majesty to have pity of me, and let me recover your gracious favour, with taking of me all the lands and goods I have, or as much thereof as pleaseth your highness to take, leaving me what it shall please you to appoint; and that according as is before-written I may know what is laid to my charge, and that I may hear some comfortable word from your majesty. And I shall, during my life, pray for your prosperous estate, long to endure. Your most sorrowful subject, THO. NORFOLK."

To the lords he wrote thus:

"Item, Most humbly to beseech, my lords,

that I might have some of the books that are at Lambeth; for unless I may have books to read ere I fall on sleep, and after I wake again, I cannot sleep, nor did not this dozen years. Also to desire that I might have a ghostly father sent to me, and that I might receive my Maker. Also that I might have mass, and to be bound upon my life to speak no word to him that shall say mass, which he may do in the other chamber, and I to remain within. Item, To have licence in the day-time to walk in the chamber without, and in the night to be locked in, as I am now. At my first coming I had a chamber without a-days. I would gladly have licence to send to London to buy one book of St. Augustin's, De Civitate Dei; and of Josephus, De Antiquitatibus; and another of Sabellicus; who doth declare most of any book that I have read, how the bishop of Rome from time to time hath usurped his power against all princes, by their unwise sufferance. Item, For sheets."

Nevertheless, the duke remained as condemned to perpetual prison, without that his great services formerly rendered, or his submission on this occasion could restore him; which was in these words, as I find by our Records in an original.

"I Thomas duke of Norfolk, do confess and acknowledge myself most untruly, and contrary to my oath and allegiance, to have offended the king's most excellent majesty, in the disclosing and opening of his privy and secret counsel, at divers and sundry times, to divers and sundry persons, to the great peril of his highness, and disappointing of his most prudent and regal affairs. T. N.

"Also, I likewise confess, That I have concealed high treason, in keeping secret the false and traiterous act, most presumptuously committed by my son Henry Howard earl of Surrey, against the king's majesty and his laws, in the putting and using the arms of St. Edward the Confessor, king of the realm of England before the conquest, in his scutchion or arms: Which said arms of St. Edward appertain only to the king of this realm, and to none other person or persons; whereunto the said earl by no means or way could make any claim or title, by me, or any of mine or his ancestors. T. N.

"Also I likewise confess, That to the peril, slander, and disinherison of the king's majesty, and his noble son prince Edward, his son and heir apparent, I have against all right, unjustly, and without authority, born in the first quarter of my arms, ever since the death of my father, the arms of England, with a difference of the labels of silver, which are the proper arms of my said prince, to be born for this realm of England only, whereby I have not only done prejudice to the king's majesty, and the said lord the prince, but also given occasion that his highness might be disturbed or interrupted of the crown of this realm, and my said lord prince might be destroyed, disturbed, and interrupted in fame, body, and title of the inheritance to the crown of this realm. Which I know and confess, by the laws of the realm, to be high treason. T. N.

"For the which my said heinous offences, I have worthily deserved by the laws of the realm, to be attainted of high treason, and to suffer the punishment, losses and forfeitures that appertain thereunto. And although I be not worthy to have or enjoy any part of the king's majesty's clemency and mercy to be extended to me, considering the great and manifold benefits that I and mine have received of his highness: Yet I most humbly, and with a most sorrowful and repentant heart, do beseech his highness to have mercy, pity, and compassion on me. And I shall most devoutly and heartily make my daily prayer to God for the preservation of his most noble succession, as long as life and breath shall continue in me. T. N."

"Written the twelfth day of the month of January, in the year of our Lord God 1546, after the computation of the church of England, and in the thirty-eighth year of our sovereign lord Henry 8, by the grace of God king of England, France, and Ireland, defender of the faith; and of the church of England, and also of Ireland the supream head. In witness of all the premisses, I the said duke have subscribed my name with my own hand, in the presence of the lord Wriothesly, lord chancellor; the lord St. John, lord president of the council; the earl of Hertford, lord great chamberlain; the viscount Lisle, lord high admiral; sir Anthony Brown, master of the horse; sir William Paget, secretary; sir Richard Rich, sir John Baker, of our said sovereign lord's privy-council; sir Richard Lister, sir Edward Montague, the two chief justices.

"Without compulsion, without force, without advice or counsel, I have and do subscribe the premisses, submitting me only to the king's most gracious pity and mercy, most humbly beseeching his highness to extend the same unto me his most sorrowful subject. By me Tho. Norfolk. Thomas Wriothesly, chancellor; William St. John, John Lisle, William Paget, John Baker, E. Hertford, Anth. Brown, Rich. Rich, Rich. Lister, Edward Montague."

Notwithstanding all which Submission, joined with the merits of his services, it was thought that the duke would hardly escape, had not the king's death, following shortly after, reserved him to more merciful times.

Extract from 1 *Burn. Reformat. p.* 345.

The duke of Norfolk had been long lord treasurer of England: he had done great services to the crown on many signal occasions, and success had always accompanied him. His son the earl of Surrey was also a brave and noble person, witty and learned to an high degree, but did not command armies with such success. He was much provoked at the earl of Hertfords being sent over to France in his room, and upon that had said, 'that within a little while they should smart for it;' with some

other expression that savoured of revenge, and dislike of the king and a hatred of the counsellors. The duke of Norfolk had endeavoured to ally himself to the earl of Hertford, and to his brother sir Thomas Seimour, perceiving how much they were in the king's favour, and how great an interest they were like to have under the succeeding prince; and therefore would have engaged his son, being then a widower, to marry that earl's daughter: and pressed his daughter, the dutchess of Richmond, widow to the king's natural son, to marry sir Thomas Seimour. But though the earl of Surrey advised his sister to the marriage projected for her; yet he would not consent to that designed for himself, nor did the proposition about his sister take effect. The Seimours could not but see the enmity the earl of Surrey bore them, and they might well be jealous of the greatness of that family; which was not only too big for a subject of itself, but was raised so high by the dependence of the whole popish party, both at home and abroad, that they were like to be very dangerous competitors for the chief government of affairs, if the king were once out of the way; whose disease was now growing so fast upon him, that he could not live many weeks. Nor is it unlikely that they persuaded the king, that if the earl of Surrey should marry the lady Mary, it might embroil his son's government, and perhaps ruine him. And it was suggested, that he had some such high project in his thoughts, both by his continuing unmarried, and by his using the arms of Edward the Confessor, which of late he had given in his coat without a diminution. But to compleat the duke of Norfolk's ruine, his dutchess, who had complained of his using her ill, and had been separated from him about four years, turned informer against him. His son and daughter were also in ill terms together. So the sister informed all that she could against her brother. And one Mrs Holland, for whom the duke was believed to have an unlawful affection, discovered all she knew. But all amounted to no more, than some passionate expressions of the son, and some complaints of the father, who thought he was not beloved by the king and his councellors, and that he was ill used, in not being trusted with the secret of affairs. And all persons being encouraged to bring informations against them, sir Richard Southwell charged the earl of Surrey in some points that were of a higher nature: which the earl denied, and desired to be admitted, according to the martial law, to fight in his shirt with Southwell. But that not being granted, he and his father were committed to the Tower. That which was most insisted on was, their giving the arms of Edward the Confessor, which were only to be given by the kings of England. This the earl of Surrey justified, and said, they gave their arms, according to the opinion of the king's heraulds. But all excuses availed nothing, for his father and he were designed to be destroyed, upon reasons of state; for which, some colours were to be found out.

The earl of Surrey being but a commoner, was brought to his Tryal at Guildhall; and put upon an inquest of commoners consisting of nine knights and three esquires, by whom he was found guilty of treason, and had sentence of death passed upon him, which was executed on the 19th of January at Tower-hill. It was generally condemned, as an act of high injustice and severity, which loaded the Seimours with a popular odium that they could never overcome. He was much pitied, being a man of great parts and high courage, with many other noble qualities.

But the king, who never hated nor ruined any body by halves, resolved to compleat the misfortunes of that family, by the attainder of the father. And as all his eminent services were now forgotten, so the submissions he made, could not allay a displeasure, that was only to be satisfied with his life and fortune. He wrote to the king, protesting his innocency: "That he had never a thought to his prejudice, and could not imagine what could be laid to his charge: he had spent his whole life in his service, and did not know that ever he had offended any person; or that any were displeased with him except for prosecuting the breakers of the act about the sacrament of the altar. But in that, and in every thing else, as he had been always obedient to the kings laws, so he was resolved still to obey any laws he should make. He desired he might be examined with his accusers face to face, before the king, or at least before his council; and if it did not appear that he was wrongfully accused, let him be punished as he deserved. In conclusion he begged the king would have pity on him, and restore him to his favour; taking all his lands, or goods from him, or as much of them as he pleased." Yet all this had no effect on the king. So he was desired to make a more formal submission; which he did on the 12th of January under his hand, ten privy councellors being witnesses. In it he confessed, "1st, his discovering the secrets of the king's council. 2dly, his concealing his son's treason, in using to give the arms of St. Edward the Confessor, which did only belong to the king, and to which his son had no right. 3dly, that he had ever since his father's death, born in the first quarter of his arms, the arms of England: with a difference of the labells of silver, that are the proper arms of the prince; which was done in prejudice of the king and the prince: and gave occasion for disturbing or interrupting the succession to the crown of the realm. This he acknowledged was high treason; he confessed he deserved to be attainted of High Treason; and humbly begged the kings mercy and compassion." He yielded to all this, hoping by such a submission and compliance to have overcome the king's displeasure. But his expectations failed him.

A Parliament was called, the reason whereof was pretended to be the coronation of the prince of Wales. But it was thought the true cause of the calling it, was, to attaint the duke

of Norfolk: for which they had not colour enough, to do it in a trial by his peers. Therefore an attainder by act of parliament was thought the better way. So it was moved, that the king intending to crown his son, prince of Wales, desired they would go on with all possible haste in the attainder of the duke of Norfolk; that so these places, which he held by patent, might be disposed of by the king to such as he thought fit, who should assist at the coronation. And upon this slight pretence, since a better could not be found, the Bill of Attainder was read the first time on the 18th of January; and on the 19th and 20th it was read the second and third time. And so passed in the house of lords: and was sent down to the commons, who on the 24th sent it up also passed. On the 27th the lords were ordered to be in their robes, that the royal assent might be given to it: which the lord chancellor, with some others joined in commission, did give by virtue of the king's letters patents. And it had been executed the next morning, if the king's death had not prevented it. Upon what grounds this attainder was founded, I can only give this account from the 34th act of the first parliament of queen Mary; in which this act is declared null and void, by the common law of the land; for I cannot find the act itself upon record. In the act of repeal it is said, "That there was no special matter in the act of attainder, but only general words of treasons and conspiracies; and that out of their care of the preservation of the king and the prince, they passed it. But the act of repeal says also, That the only thing with which he was charged, was, for bearing of arms which he and his ancestors had born, both within and without the kingdom; both in the king's presence, and in the sight of his progenitors; which they might lawfully bear and give, as by good and substantial matter of record it did appear. It is also added, that the king died after the date of the commission. That the king only empowered them to give his assent, but did not give it himself; and that it did not appear by any record, that they gave it. That the king did not sign the commission with his own hand, his stamp being only set to it, and that not to the upper, but the nether part of it, contrary to the king's custom." All these particulars though cleared afterwards, I mention now, because they give light to this matter.

As soon as the Act was passed, a warrant was sent to the lieutenant of the Tower, to cut off his head the next morning; but the king dying in the night, the lieutenant could do nothing on that warrant. And it seems it was not thought advisable to begin the new king's reign with such an odious execution. And thus the duke of Norfolk escaped very narrowly.

Extract from 3 Burn. Reformat. p. 167.

The last transaction of importance in this reign, was the fall of the duke of Norfolk, and of the earl of Surrey, his son. I find in the Council Book, in the year 1543, that the earl was accused for eating flesh in Lent, without licence; and for walking about the streets in the night, throwing stones against windows, for which he was sent to the Fleet. In another letter, he is complained of for riotous living. Towards the end of the year 1546, both he and his father were put in prison: And, it seems, the council wrote to all the king's ambassadors beyond sea, an account of this, much aggravated, as the discovery of some very dangerous conspiracy; which they were to represent to those princes, in very black characters. I put in the collection an account given by Thirlby, of what he did upon it. The letter is long; but I only copy out that which relates to this pretended discovery: Dated from Hailbron, on Christmas-day, 1546.

"He understood by the council's letters to him, what ungracious and ingrateful persons they were found to be. He professes, he ever loved the father, for he thought him a true servant to the king: He says, he was amazed at the matter, and did not know what to say. God had not only on this occasion, but on many others, put a stop to treasonable designs against the king, who (next to God) was the chief comfort of all good men. He enlarges much on the subject, in the stile of a true courtier. The messenger brought him the council's letters, written on the 15th of December, on Christmas-eve; in which he saw the malicious purpose of these two ungracious men: So, according to his orders, he went immediately to demand audience of the emperor; but the emperor intended to repose himself for three or four days, and so had refused audience to the nuncio, and to all other ambassadors; but he said, he would send a secretary, to whom he might communicate his business. Joyce, his secretary, coming to him, he set forth the matter as pompously as the council had represented it to him. In particular, he spoke of the haughtiness of the earl of Surrey, of all which the secretary promised to make report to the emperor, and likewise to write an account of it to Grandvil. Thirlby excuses himself that he durst not write of this matter to the king: He thought, it would renew in him the memory of the ingratitude of these persons, which must wound a noble heart."

After so black a representation, great matters might be expected: but I have met with an original Letter of the duke of Norfolk's, to the lords of the council, writ indeed in so bad a hand, that the reading it was almost as hard as deciphering. It gives a very different account of that matter, at least with relation to the father. "He writes, that the lord great chamberlain, and the secretary of state, had examined him upon divers particulars: the first was, Whether he had a cypher with any man? He said, he had never a cypher with any man, but such as he had for the king's affairs, when he was in his service. And he does not remember that ever he wrote in cypher, except when he was in France, with the lord great master that now is, and the lord Rochford:

nor does he remember whether he wrote any letters then, or not; but these two lords signed whatsoever he wrote. He heard, that a letter of his was found among bishop Fox's papers, which being shewed to the bishop of Duresme, he advised to throw it into the fire. He was examined upon this: He did remember, the matter of it was, the setting forth the talk of the northern people, after the time of the commotions; but that it was against Cromwell, and not at all against the king:" (so far did they go back, to find matter to be laid to his charge) "but whether that was in cypher, or not, he did not remember. He was next asked, if any person had said to him, that if the king, the emperor, and the French king came to a good peace, whether the bishop of Rome would break that by his dispensation; and whether he inclined that way. He did not remember he had ever heard any man speak to that purpose: but, for his own part, if he had twenty lives, he would rather spend them all, than that the bishop of Rome should have any power in this kingdom again. He had read much history, and knew well how his usurpation began, and increased: and both to English, French, and Scots, he has upon all occasions spoken vehemently against it. He was also asked, if he knew any thing of a letter from Gardiner and Knevet, the king's ambassadors at the emperor's court, of a motion made to them for a reconciliation with that bishop, which was brought to the king at Dover, he being then there.

"In answer to this, he writes, he had never been with the king at Dover since the duke of Richmond died: but for any such overture, he had never heard any thing of it; nor did any person ever mention it to him. It had been said in council, when sir Francis Bryan was like to have died, as a thing reported by him, that the bishop of Winchester had said, he could devise a way to set all things right between the king and the bishop of Rome. Upon which, as he remembers, sir Ralph Sadler was sent to sir Francis, to ask the truth of that: but sir Francis denied it; and this was all that ever he heard of any such overture. It seems, these were all the questions that were put to him; to which those were his answers. He therefore prayed the lords, to intercede with the king, that his accusers might be brought face to face, to say what they had against him: and he did not doubt, but it should appear, he was falsely accused. He desired to have no more favour than Cromwell had; he himself being present when Cromwell was examined. He adds, Cromwell was a false man; but he was a true, poor gentleman. He did believe, some false man had laid some great thing to his charge. He desired, if he might not see his accusers, that he might at least know what the matters were; and if he did not answer truly to every point, he desired not to live an hour longer.

"He had always been pursued by great enemies about the king; so that his fidelity was tried like gold. If he knew wherein he had offended, he would freely confess it. On Tuesday in the last Whitson-week, he moved the king, that a marriage might be made between his daughter (the dutchess of Richmond) and sir Thomas Seymour; and that his son Surrey's children might, by cross-marriages, be allied to my lord great chamberlain's children (the earl of Hertford). He appealed to the king, whether his intention in these motions did not appear to be honest. He next reckons up his enemies. Cardinal Wolsey confessed to him at Asher, that he had studied for fourteen years, how to destroy him, set on to it by the duke of Suffolk, the marquis of Exeter, and the lord Sandys, who often told him, that if he did not put him out of the way, he would undo him. When the marquis of Exeter suffered, Cromwell examined his wife more strictly concerning him, than all other men; of which she sent him word by her brother, the lord Mountjoy. And Cromwell had often said to himself, that he was a happy man, that his wife knew nothing against him, otherwise she would undo him. The late duke of Buckingham, at the bar, where his father sate lord high steward, said, that he himself was the person in the world, whom he had hated most, thinking he had done him ill offices with the king: but he said, he then saw the contrary. Rice, that married his sister, often said, he wished he could find the means to thrust his dagger in him. It was well known to many ladies in the court, how much both his two nieces, whom it pleased the king to marry, had hated him. He had discovered to the king that for which his mother-in-law was attainted of misprision of treason. He had always served the king faithfully, but had of late received greater favours of him, than in times past: what could therefore move him to be now false to him? A poor man, as I am, yet I am his own near kinsman. Alas! alas! my lords, (writes he) that ever it should be thought any untruth to be in me. He prays them to lay this before the king, and jointly to beseech him, to grant the desires contained in it. So he ends it with such submissions, as he hoped might mollify the king."

Here I must add a small correction, because I promised it to the late sir Robert Southwell, for whose great worth and virtues I had that esteem, which he well deserved. Sir Richard Southwell was concerned in the evidence against the duke of Norfolk: he gave me a memorandum, which I promised to remember when I reviewed my history. There were two brothers, sir Richard and sir Robert, who were often confounded, an R serving for both their christned names. Sir Richard was a privy-counsellor to Henry the 8th, king Edward, and queen Mary: the second brother, sir Robert, was master of the rolls, in the time of Henry the 8th, and in the beginning of Edward the 6th. I had confounded these, and in two several places called sir Richard master of the rolls.

I have now set forth all that I find concerning the duke of Norfolk; by which it appears, that he was designed to be destroyed only upon suspicion; and his enemies were put on running far back to old stories to find some colours to justify so black a prosecution. This was the last act of the king's reign, which, happily for the old duke, was not finished, when the king's death prevented the execution.

Bishop Thirleby's Letter concerning the Duke of Norfolk and his Son. An original.

"I would write unto you my harte (if I coulde) against those two ungracious, ingrate, and inhumane *non homines*, the duke of Norfolk and his sonne. The elder of whom, I confess that I did love, for that I ever supposed hym a true servant to his master; like as both his allegiance, and the manifold benefits of the king's majestie bounde him to have been; but nowe when I sholde begyn to wright to you herin, before God I am so amased at the matter, that I know not what to say; therefore I shall leave them to receyve for their deeds, as they have worthily deservyd; and thank God of his grace that hath openyd this in tyme, so that the king's majestie may see that reformed. And in this point, wher Almighty God hath not nowe alone, but often and sondry tymes hertofore, not only letted the malice of such as hathe imagenyd any treason against the king's majestie, the chiefe comforte, wealth, and prosperite of all good Englishmen next unto God; but hath so wonderfully manifest, that in suche tyme that his majesties high wisdom myght let that malice to take his effecte, all good Englishe cannot therfore thanke God enough. And for our parts, I pray God, that we may thorough his grace, so contynue his servants, that herafter we be not founde unworthy to receiyve suche a benefyte at his hands. On Christmas-even, about 10 of the clocke after noon here aryved Somerset with the letters of the king's majesties most honourable counsell, dated the 15th of December at Westminster, whereby I perceyved the malicious purpose of the two said ungracious men: and for the execution of the king's majesties commandment declared in the same letters, I suyd immediately for audience to the emperor, who entred this town within halfe an houer after Somerset was come. The emperor praied me of pacience, and to declare to the secretarie Joyse, That I wolde saie to him. For he said he had determyned to repose him selfe for 3 or 4 days; and had therfore for that tyme refused audience to the nuntio, the ambassador of France, and the ambassador of Venice, which had sued for audience. On Christmas-day on the morning, at nine of the clocke, Joyse came to my lodginge, to whom I declared as well as I coulde the great benefits theis ungracious men had receyved at the king's majesties hands, and how unkindly and traytorously they went abought to searve him, with the rest as myn instructions led me. The king's majestie, my master (taking the same affection to be in the emperor, his good brother, towards him, that his highnes hathe to the emperor, *(ut amicorum omnia sint communia, gaudere cum gaudentibus, flere cum flentibus,)* hath commanded me to open this matter to the emperor: that as naturally all men, and much more princes, ought to abhorre traytors, and specially suche as had receyved so great benyfites as theis men had; so his majestie might rejoyse that the king's highnes his good brother had founde forthe this matter, or the malice coulde be brought to execution. Secretary Joyse said that he would advertise the emperor herof accordingly, and after a little talke of the haughtiness of the earle of Surrey, and a few salutations, he bad me fare well. When I ask him for monsieur de Grandevela, to whom I said, that I wolde tell this tale, for that I doubted not but that he, and all honest men wolde abhorre such traytors; he said that he was not yet come, but he wolde this day advertise him herof by his letters; for I wright (quoth he) daily to him. Albeit that this be the hole, and the effecte of that I have done in the execution of the king's majesties commandment, declared in my said lord's letters, yet I will as my dutie is, answer a-part their said letters to the king's majestie. Herin I dare not wright. For, to enter the matter, and not to detest that as the cause requireth, I think it not convenient. And again on the other side, to renew the memorie of these mens ingratitude, (wherwith all noble and princely hartes above all others be sore wounded) I thinke it not wisdome. Therfore I beseech you hartely, amongst other my good lords, there to make my most humble excuse to his majestie for the same. This ungracious matter that hath happened otherwise then ever I could have thought, hath caused you to have a longer letter then ever I have bene accustomed to wright. Ye shall herwith receyve a scedule of courte newis, whiche havyng lernyd while I wrote this: secretary Joyse hathe prayed me to sende the letter herwith enclosed to the emperor's ambassador in England, which I pray you to cause to be delivered, and hartely fare you well. From Halebourne the Christmas-day at night, 1546. Your assured loving friend, THOMAS WESTM'.

Herewith ye shall allso receyve the copie of my letters of the 19th of this mongth, sent by Skipperus, &c."

A Letter of the Duke of Norfolk's, after he had been examined in the Tower.

"My very good lords, whereas at the being here with me of my lord great chamberlayne, and Mr. Secretary, they examynd me of divers thyngs, which as near as I can call to my remembrance were the effects as here after doth ensew.—First, Whether ther was any cipher betwene me and any other man: For answer wherunto, this is the truth, there was never cipher between me and any man, save only such as I have had for the king's majestie, when I was in his service. And as God be my judge, I do not remember that ever I wrote in cipher,

but at such time as I was in France; my lord great master that now is, and my lord of Rochford being in commission with me. And whether I wrote any then, or not, as God help me, I do not remember; but and I wrote any thing, I am sure both their hands were at it; and the master of the horse privy to the same. I do remember that after the death of the bishop of Hereford, Fox, it was shewed me that the said bishop had left a letter, which I had sent him, amongst his writings, which being found by a servant of his, that is now with master Deny, who shewd the same to the bishop of Durham that now is, he caused him to throw the same in fier. As I do remember, it was my said lord bishop of Dureham that advised him to burn it; and as I also do remember, the matter that was conteyned therin, concerned lewde speaking of the Northern men after the time of the comotion against the said Cromwell. If there had been any thyng concering the king's majesty's affairs, neyther the bishope, nor he, were he now alyve, would not have concealed the same; and whether any part of that was in cypher, or not, as I shall answer to God, I do not remember.—The effect of another question, there asked me, was, as near as I can call to my remembrance, whether anie man had talked with me, that and ther were a good peace made betwene the king's majestie the emperor and the French king, the bishope of Rome would brek the same againe by his dispensation: And whether I enclined that waies, or not, to that purpose? As God help me now, at my most nede, I cannot call to my remembrance, that ever I heard any man living speak like words. And as for mine inclinations, that the bishope of Rome should ever have aucthority to do such thing; if I had twentie lives, I would rather have spent them all against him, then ever he should have any power in this realme. For no man knoweth that better then I, by reding of stories, how his usurped power hath increased from time to time. Nor such time as the king's majestie hath found him his enemy, no living man hath, both in his harte and with his tounge, in this realme, in France, and also to many Scotish jantlemen, spoken more sore against his said usurped powre, then I have done, as I can prove by good witnes.—Also my said lord and Mr. Secretary asked me, whether I was ever made privy to a letter, sent from my lord of Wynchester and sir Henry Knevet, of any overture made by Grandville to them, for a way to be taken between his majestie and the bishope of Rome; and that the said letters should have come to his majestie to Dover, I being there with him. Wherunto this is my true answer. I was never at Dover with his highnes since my lord of Richmond died, but at that time, of whose death word came to Syttyngborne: and as God be my helpe, I never heard of no such overture, save that I do well remember, at such time as sir Francis Biryan was sore sike, and like to have died, it was spoken in the councill, that my lord of Winchester should have said, he could devise a way, how the king's majestie might have all things upright with the said bishope of Rome, and his highnes honour saved. Suche were the words, or much like. Wherupon, as I had often said in the councill, one was sent to the said sir Francis, to know, if ever he heard the said bishope speake like words; which he denied: and as I do remember, it was sir Rauf Sadeler, that was sent to the said sir Francis. And to say that ever I heard of any such overture made by Grandville, or that ever I commoned with any man conserning any such mater, other then this of the bishope of Winchester, as God be my help, I never dyd; nor unto more thenne this, I was never prevye.—Now, my good lords, having made answer according to the truth of such questions as hath been asked me, most humblie I beseeche you all to be mediators for me to his most excellent majestie, to cause such as have accused me (if it might be with his high pleasure) to come before his majestie, to lay to my charge afore me, face to face, what they can say against me: and I am in no dout, so to declare my selfe, that it shall appere I am falsly accused. And if his pleasure shall not be, to take the paine in his royall person, then to give you commandment to do the same. My lords, I trust ye think Cromwell's service and mine hath not be like; and yet my desire is, to have no more favour shew'de to me, than was shew'de to him, I being present. He was a fals man; and sewerly I am a trewe poore jantleman.—My lords, I think surelie there is some fals man, that have laid some great cause to my charge, or else I had not be sent hither. And therefore, eftsonyts most humblie I beseeche to finde the names, if they and I may not be brought face to face, yet let me be made privy what the causes are; and if I do not answer truely to every point, let me not live one howre after. For sewerlie I would hide nothing of any questions that I shall know, that doth concern my self, nor any other creature.—My lords, there was never gold tried better by fier and watter then I have been, nor hath had greater enemys about my sovereign lord, then I have had; and yet (God be thanked) my trouth hath ever tried me, as I dout not it shall do in theis causes. Suerly, if I knew any thought I had offended his majestie in, I would suerly have declared it to his person.—Upon the Tuysdaye in Whitsonweek last past, I broke unto his majestie, moste humbley beseeching him to helpe, that a mariage might be had between my daughter and sir Thomas Semour; and wheras my son of Surey hath a son and divers daughters; that, with his favour, a crosse mariage might have been made between my lord great chamberline and them: and also wher my son Thomas hath a son, that shall (be his mother) spend a thousand marks a yere, that he might be in like wise maried to one of my said lord's daughters. I report me to yopr lordships, whether myn intent was honest in this motion, or not. And whereas I have written, that my truth hath been severely tried, and that I have

had great enemies. First, The cardinall did confes to me at Asser, that he had gone about fourteen years to have destroyed me; saying, he did the same by the setting upon of my lord of Suffolk, the marquis of Exeter, and and my lord Sands; who said often to him, that if he found not the means to put me out of the way, at length I should seuerly undo him.—Cromwell, at such tyme as the marquis of Exeter suffred, examined his wife more streitly of me, then of all other men in the realme, as she sent me word by her brother, the lord Montjoy. He hath said to me himself many times, my lord, ye are an happy man, that your wife knoweth no hurt by you; for if she did, she woulc undo you.—The duke of Buckingham confessed openly at the bar, (my father sitting as his judge) that of all men living he hated me most, thinking I was the man that had hurt him most to the king's majestie: which now, quoth he, I perceive the contrary.—Rice, who had maried my sister, confessed, that, of all men living, he hated me most; and wished many times, how he might find the meanes to thrust his dagger in me.—What malice both my neecys, that it pleased the king's highnes to marie, did bere unto me, is not unknown to such ladies as kept them in this sute; as my lady Herberd, my lady Tirwit, my lady Kynston, and others, which heard what they said of me. Who tried out the falshod of the lord Darcy, sir Robert Constable, sir John Bulmer, Aske, and many others, for which they suffered for? but only I. Who shewed his majestie of the words of my mother-in-law, for which she was attainted of misprision? but only I. In all times past unto this time, I have shewed my self a most trewe man to my soveraign lord. And since these things done in tymes past, I have received more proffight of his highnes, then ever I did afore. Alas! who can think that I, having been so long a trew man, should now be false to his majestie? I have received more proffight then I have deserved: and a poore man, as I am, yet I am his own near kinsman. For whose sake should I be an untrewe man to them? Alas, alas, my lords, that ever it should be thought any ontruthe to be in me.—Fynally my good lords eftsonys most humble I beseech you to shew this scrible letter to his majestie, and all joyntle to beseech his highnes to grante me the peticions that are conteyned in the same, and most especyall to remyt out of his most noble gentle hart such displeasure as he hath conceyved against me: and I shall dewryng my lyff pray for the continuence of his most royall estate long to endure: By his highnes poor prisoner, T. NORFOLK."

39. Proceedings against Various Persons in the Reign of Hen. VIII. for Treason, in denying the King's Supremacy; and other capital Crimes, principally relating to Religion. [1 Burn. Reformat. 351.]

["Bishop Burnet closes the first volume of his History of the Reformation with a summary account of various Trials and Attainders, in the reign of Hen. 8. in order to exhibit at one view the severities practised by that prince against the popish party; we therefore flatter ourselves, that our insertion of this part of the Bishop's work will not be deemed foreign to the present undertaking. It is observable, that, though by the Bishop's own acknowledgment, the king's severity to the Popish party furnishes great ground for just censure; and though he states many instances of violating the first principles of justice and humanity; yet he denies, that there is any thing to justify all the clamours of the Roman Catholics against his memory, insisting too, that his cruelties were far short both in number and degree of those in queen Mary's reign. But really this is writing too tenderly of Henry; for there is not only grievous, but almost equal cause to detest the memories of both him and Mary, the barbarities exercised in the reign of each being too numerous to leave room for much distinction between them. When two princes both with characters of so dark a complection are to be delineated, it calls for very nice touches to discriminate them in the colouring." Hargrave.]

IN the latter part of his reign, there were many things that seem great severities, especially as they are represented by the writers of the Roman party; whose relations are not a little strengthened by the faint excuses, and the mistaken accounts, that most of the protestant historians have made. The king was naturally impetuous, and could not bear provocation; the times were very ticklish; his subjects were generally addicted to the old superstition, especially in the northern parts; the monks and friers were both numerous and wealthy; the Pope was his implacable enemy; the emperor was a formidable prince, and being then master of all the Netherlands, had many advantages for the war he designed against England. Cardinal Pole, his kinsman, was going over all the courts of Christendom, to perswade a league against England; as being a thing of greater necessity and merit than a war against the Turk. This being, without the least aggravation, the state of affairs at that time, it must be confessed he was sore put to it. A superstition that was so blind and headstrong, and enemies that were both so powerful, so spite-

ful, and so industrious, made rigour necessary: nor is any general of an army more concerned to deal severely with spies and intelligencers, than he was to proceed against all the popes adherents, or such as kept a correspondence with Pole. He had observed in history, that upon much less provocation than himself had given, not only several emperors and foreign princes had been dispossessed of their dominions; but two of his own ancestors, Henry the 2d and king John, had been driven to great extremities, and forced to unusual and most indecent submissions by the means of the popes and their clergy.—The Pope's power over the clergy was so absolute, and their dependence and obedience to him was so implicite; and the popish clergy had so great an interest in the superstitious multitude, whose consciences they governed, that nothing but a stronger passion could either tame the clergy, or quiet the people. If there had been the least hope of impunity, the last part of his reign would have been one continued rebellion; therefore to prevent a more profuse effusion of blood, it seemed necessary to execute laws severely in some particular instances.—There is one calumny that runs in a thread through all the Historians of the Popish side, which not a few of our own have ignorantly taken up; that many were put to death for not swearing the king's supremacy. It is an impudent falshood; for not so much as one person suffered on that account; nor was there any law for any such oath before the parliament in the 28th year of the king's reign, when the unsufferable Bull of Pope Paul the 3rd, engaged him to look a little more to his own safety. Then indeed in the Oath for maintaining the Succession of the crown, the subjects were required, under the pains of Treason, to swear that the king was Supream Head of the Church of England; but that was not mentioned in the former Oath, that was made in the 25th, and enacted in the 26th year of his reign. It cannot but be confessed, that to enact under paine of death that none should deny the king's titles, and to proceed upon that against offenders, is a very different thing from forcing them to swear the king to be the supream head of the church.(a)

The first instance of these capital proceedings was in Easter-Term, in the beginning of the 27th year of his reign. Three priors, and a monk, of the Carthusian order, were then endited of Treason, for saying, 'That the king was not Supreme Head under Christ of the Church of England.' These were John Houghton, prior of the Charter-House near London, Augustin Webster, prior of Axholme, Robert Laurence, prior of Bevall, and Richard Reynolds, a monk of Sion. This last was esteemed a learned man, for that time, and that order. They were tried in Westminster-hall by a commission of Oyer and Terminer: they pleaded Not Guilty, but the jury found them Guilty, and Judgment was given that they should suffer as Traitors. The Record mentions no other particulars; but the writers of the popish side make a splendid recital of the courage and constancy they expressed both in their Tryal, and at their death. It was no difficult thing for men so used to the legend, and the making of fine stories for saints and martyrs of their orders, to dress up their narratives with much pomp. But as their pleading Not Guilty to the Endictment, shews no extraordinary resolution, so the account that is given by them of one Hall, a secular priest that died with them, is so false, that there is good reason to suspect all. He is said to have suffered on the same account; but the Record of his Attainder gives a very different relation of it.

He and Robert Feron were indicted at the same time for having 'said many spiteful and treasonable things; as, that the king was a tyrant, an heretic, a robber, and an adulterer; that they hoped he should die such a death as king John and Richard the 3rd died; that they looked when those in Ireland and Wales should invade England: and they were assured that three parts of four in England would be against the king: they also said that they should never live merrily till the king and the rulers were plucked by the pates, and brought to the pot,

(a) "This sounds more like an apology, than just reasoning. Enforcing the Oath of Supremacy by the penalty of Treason, was resorting to the highest punishment known to our law. Wherein, too, consisted the material difference, in point of rigor, between treason for not swearing to the king's supremacy, and treason for denying it? Was it not equally the object of the statutes creating both crimes, to compel an acknowledgment of the king's supremacy by the same extremity of punishment? Can there be any reason to suppose, that those who were concerned in the deaths of bishop Fisher and sir Thomas More for denying the Supremacy, if it had been requisite, would have been so scrupulous as to hesitate about construing the refusal of the oath a denial? When it is objected to Henry as a cruelty, that many were put to death for not swearing to his Supremacy, without doubt every denial of it, whether impliedly by refusing the oath, or expressly by words, was meant: Therefore it is foreign to the spirit of the remark to say, that they were thus punished for denying the Supremacy, not for refusing to swear to it. So verbal an answer to the animadversion of Henry's enemies would scarce have escaped the learned bishop, if he had not been insensibly influenced by a fear, lest the justice and propriety of the Reformation should be prejudiced by the cruelty of Henry's measures in its commencement. But the cause of truth is never finally helped by an ill-founded argument. The Reformation rests on a better foundation than the humanity of Henry's actions; nor is there any necessary connection between the one and the other, bad and cruel princes being frequently the casual instruments of great good to society." Hargrave.

and that it would never be well with the Church till that was done.' Hall had not only said this, but had also written it to Feron the 10th of March that year. When they were brought to the bar, they at first pleaded Not Guilty; but full proof being brought, they themselves confessed the Enditement, before the jury went aside, and put themselves on the king's mercy; upon which, this being an imagining and contriving both war against the king, and the king's death, Judgment was given as in cases of Treason: but no mention being made of Feron's death, it seems he had his pardon. Hall suffered with the four Carthusians, who were hanged in their habits.

They proceeded no further in Easter-Term: but in Trinity-Term there was another commission of Oyer and Terminer, by which Humphrey Middlemore, William Exmew, and Sebastian Nudigate, three monks of the Charterhouse near London, were endited of Treason, for having said on the 25th of May, 'That they neither could nor would consent to be obedient to the king's highness, as true, lawful, and obedient subjects; to take him to be Supream Head on earth of the Church of England.' They all pleaded Not Guilty, but were found guilty by the jury; and Judgment was given. When they were condemned, they desired that they might receive the body of Christ before their death. But (as judge Spelman writ) the Court would not grant it, since that was never done in such cases but by order from the king. Two days after that, they were executed. Two other monks of that same order, John Rochester and James Wolver, suffered on the same account at York in May this year. Ten other Carthusian monks were shut up within their cells, where nine of them died. The tenth was hanged in the beginning of August. Concerning those persons I find this said in some Original Letters, that they had brought over into England, and vented in it, some books that were written beyond sea, against the king's Marriage, and his other proceedings: which being found in their house, they were pressed to peruse the books that were written for the king, but obstinately refused to do it. They had also been involved in the business of the Maid of Kent, for which, though all the complices in it, except those who suffered for it, were pardoned by act of parliament, yet such as had been concerned in it, were still under jealousy: and it is no wonder that upon new provocations they met with the uttermost rigor of the law.

These Tryals made way for two others that were more signal: of the bishop of Rochester, and sir Thomas More. The first of these had been a prisoner above a year, and was very severely used; he complained in his letters to Cromwell, that he had neither cloaths nor fire, being then about fourscore. This was understood at Rome, and upon it, pope Clement, by an officious kindness to him, or rather in spite to king Henry, declared him a cardinal, and sent him a red-hat. When the king knew this, he sent to examine him about it; but he protested he had used no endeavours to procure it, and valued it so little, that if the hat were lying at his feet, he would not take it up. It never came nearer him than Picardy: yet this did precipitate his ruin. But if he had kept his opinion of the king's Supremacy to himself, they could not have proceeded further. He would not do that, but did upon several occasions speak against it, so he was brought to his Tryal on the 17th of June (see p. 395.) The lord chancellor, the duke of Suffolk, and some other lords, together with the Judges, sate upon him by a commission of Oyer and Terminer. He pleaded Not Guilty, but being found guilty, Judgment was passed on him to die as a traitor; but he was by a warrant from the king, beheaded. Upon the 22d of June, being the day of his execution, he dressed himself with more than ordinary care; and when his man took notice of it, he told him, he was to be that day a bridegroom. As he was led to the place of execution, being stopt in the way by the croud, he opened his New Testament, and prayed to this purpose; 'that as that book had been his companion and chief comfort in his imprisonment, so then some place might turn up to him, that might comfort him in his last passage.' This being said, he opened the book at a venture, in which these words of St. John's Gospel turned up: 'this is life eternal, to know thee the only true God, and Jesus Christ whom thou hast sent.' So he shut the book with much satisfaction, and all the way was repeating and meditating on them. When he came to the scaffold he pronounced the *Te Deum*, and after some other devotions his head was cut off. Thus died John Fisher, bishop of Rochester, in the 80th year of his age. He was a learned and devout man, but much addicted to the superstitions in which he had been bred up; and that led him to great severities against all that opposed them. He had been for many years confessor to the king's grand-mother, the countess of Richmond; and it was believed that he persuaded her to those noble designs for the advancement of learning, of founding two Colleges in Cambridge, St. Johns and Christs College, and divinity professors in both Universities. And in acknowledgment of this, he was chosen chancellor of the University of Cambridge. Henry the 7th gave him the bishoprick of Rochester, which he, following the rule of the primitive church, would never change for a better. He used to say his church was his wife, and he would never part with her, because she was poor. He continued in great favour with the king, till the business of the Divorce was set on foot; and then he adhered so firmly to the queen's cause, and the Pope's Supremacy, that he was carried by that headlong into great errors: as appears by the business of the Maid of Kent. Many thought the king ought to have proceeded against him rather upon that, which was a point of state, than upon the Supremacy, which was matter of conscience. But the king was resolved to let all

his subjects see, there was no mercy to be expected by any that denied his being Supream Head of the Church; and therefore made him and More, two examples for terrifying the rest. This being much censured beyond sea, Gardiner, that was never wanting in the most servile compliances, wrote a Vindication of the king's proceedings. The lord Herbert had it in his hands, and tells us it was written in elegant Latin, but that he thought it too long, and others judged it was too vehement, to be inserted in his History.

On the 1st of July, sir Thomas More was brought to his Tryal. (see p. 385.) The special matter in his endictment, is, that on the 7th of May preceding, before Cromwell, Bedyll, and some others that were pressing him concerning the king's supremacy, he said he would not meddle with any such matter, and was fully resolved to serve God, and think upon his Passion, and his own passage out of this world. He had also sent divers messages by one George Gold to Fisher to encourage 'him in his obstinacy; and said, the act of parliament is like a sword with two edges, for if a man answer one way, it will confound his soul; and if he answer another way, it will confound his body.' He had said the same thing on the 3rd of June, in the hearing of the lord chancellor, the duke of Norfolk, and others: and that he would not be the occasion of the shortning his own life. And when Rich the king's solicitor came to deal with him further about it, but protested that he came not with any authority to examine him, they discoursed the matter fully. Rich pressed him, 'that since the parliament had enacted that the king was Supreme Head, the subjects ought to agree to it; and said Rich, what if the parliament should declare me king, would you not acknowledge me? I would, said More, *quia* (as it is in the indictment) *rex per parliamentum fieri potest, & per parliamentum deprivari.* But More turned the argument on Rich, and said, what if the parliament made an act that God was not God? Rich acknowledged it could not bind, but replyed to More, that since he would acknowledge him king, if he were made so by act of parliament, why would he not acknowledge the king Supream Head, since it was enacted by parliament? To that More answered, That the parliament had power to make a king, and the people were bound to acknowledge him, whom they made; but for the supremacy, though the parliament had enacted it, yet those in foreign parts had never assented to it.' This was carried by Rich to the king, and all these particulars were laid together, and judged to amount to a denyal of the Supremacy. Judge Spelman writ, that More, being on his tryal, pleaded strongly against the statute that made it treason to deny the Supremacy, and argued that the king could not be supream head of the church. When he was brought to the bar, he pleaded not guilty, but being found guilty, judgment was given against him as a traitor. He received it with that equal temper of mind, which he had shewed in both conditions of life, and then set himself wholly to prepare for death. He expressed great contempt of the world, and that he was weary of life, and longed for death; which was so little terrible to him, that his ordinary facetiousness remained with him even on the scaffold. It was censured by many, as light and undecent. But others said, that way having been so natural to him on all other occasions, it was not at all affected; but shewed that death did no way discompose him, and could not so much as put him out of his ordinary humour. Yet his rallying every thing on the scaffold was thought to have more of the Stoick than the Christian in it. After some time spent in secret devotions, he was beheaded on the 6th of July.

Thus did sir Thomas More end his days, in the 53d year of his age. He was a man of rare vertues, and excellent parts. In his youth he had freer thoughts of things, as appears by his Utopia, and his letters to Erasmus; but afterwards he became superstitiously devoted to the interests and passions of the Popish clergy: and as he served them when he was in authority, even to assist them in all their cruelties; so he employed his pen in the same cause, both in writing against all the new opinions in general, and in particular against Tindal, Frith, and Barnes, as also an unknown writer, who seemed of neither party, but reprooved the corruptions of the clergy, and condemned their cruel proceedings. More was no divine at all, and it is plain to any that reads his writings, that he knew nothing of antiquity, beyond the quotations he found in the canon-law and in the master of the sentences (only he had read some of St. Austin's treatises): for upon all points of controversie, he quotes only what he found in these collections; nor was he at all conversant in the critical learning upon the scriptures; but his peculiar excellency in writing, was, that he had a natural easie expression, and presented all the opinions of popery with their fair side to the reader, disguising or concealing the black side of them with great art; and was no less dextrous in exposing all the ill consequences that could follow on the doctrine of the reformers: and had upon all occasions great store of pleasant tales, which he applied wittily to his purpose. And in this consists the great strength of his writings, which were designed rather for the rabble, than for learned men. But for justice, contempt of money, humility, and a true generosity of mind, he was an example to the age in which he lived.

But there is one thing unjustly added to the praise of these two great men, or rather feigned, on design to lessen the king's honour; that Fisher and he penned the book which the king wrote against Luther. This Sanders first published, and Bellarmin and others since have taken it up upon his authority. Strangers may be pardoned such errors, but they are inexcusable in an Englishman. For in More's printed Works there is a letter written by him out of

the Tower to Cromwell, in which he gives an account of his behaviour concerning the king's Divorce and Supremacy. Among other particulars one is, "That when the king shewed him his book against Luther, in which he had asserted the pope's primacy to be of divine right, More desired him to leave it out; since as there had been many contests between popes and other princes, so there might fall in some between the pope and the king; therefore he thought it was not fit for the king to publish any thing, which might be afterwards made use of against himself; and advised him either to leave out that point, or to touch it very tenderly: but the king would not follow his counsel," being perhaps so fond of what he had writ, that he would rather run himself upon a great inconvenience, than leave out any thing that he fancied so well written. This shews that More knew that book was written by the king's own pen; and either Sanders never read this, or maliciously concealed it, lest it should discover his foul dealing. *(b)*

These executions so terrified all people, that there were no further provocations given: and all persons either took the oaths, or did so dextrously conceal their opinions, that till the rebellions of Lincolnshire, and the north, broke out, none suffered after this upon a publick account. But when these were quieted, then the king resolved to make the chief authors and leaders of those commotions publick examples to the rest. The duke of Norfolk proceeded against many of them by martial law. There were also tryals at common law of a great many more that were taken prisoners, and sent up to London. The lords Darcy and Hussie were tryed by their peers, the marquess of Exceter sitting steward. And a commission of over and terminer being issued out for the tryal of the rest, sir Robert Constable, sir John Bulmer and his lady, sir Francis Pigot, sir Stephen Hamilton, and sir Thomas Piercy, and Ask, that had been their captain, with the abbots of Whalley, Jervaux, Bridlington, Lenton, Woburn, and Kingstead, and Mackrall the monk that first raised the Lincolnshire rebellion, with sixteen more, were indicted of High Treason, for the late rebellions. And after all the steps of the rebellion were reckoned up, it is added in the Indictment, that they had met together on the 17th of January, and consulted how to renew it, and prosecute it further, being encouraged by the new risings that were then in the north; by which they had forfeited all the favour to which they could have pretended, by vertue of the indemnity that was granted in the end of December, and of the pardons which they had taken out. They were all found Guilty, and had judgment as in cases of Treason. Divers of them were carried down into Lincolnshire and Yorkshire, and executed in the places where their treasons were committed; but most of them suffered at London, and among others the lady Bulmer (whom others call sir John Bulmer's harlot) was burnt for it in Smithfield.

The only censure, that passed on this, was, that advantages were taken on too slight grounds to break the king's Indemnity and Pardon: since it does not appear, that after their pardon they did any thing more than meet and consult. But the kingdom was so shaken with that rebellion, that, if it had not been for the great conduct of the duke of Norfolk, the king had by all appearance lost his crown. And it will not seem strange, that a king (especially so tempered as this was) had a mind to strike terror into the rest of his subjects, by some signal examples, and to put out of the way the chief leaders of that design: nor was it to be wondered at, that the abbots and other clergymen, who had been so active in that commotion, were severely handled. It was by their means that the discontents were chiefly fomented. They had taken all the oaths that were enjoyned them, and yet continued to be still practising against the state; which, as it was highly contrary to the peaceable doctrines of the Christian religion, so it was in a special manner contrary to the rules, which they professed. That obliged them to forsake the world, and to follow a religious and spiritual course of life.

The next example of justice was a year after this, of one Forrest, an Observant frier. He had been, as Sanders said, confessor to queen Catharine, but it seems departed from her interests; for he insinuated himself so into the king, that he recovered his good opinion. Be-

(b) The following is extracted from Denne's Addenda to Hist. of Lambeth, as cited, "Select Views of London and its environs."

"1533, May 28. Archbishop Cranmer confirmed at Lambeth the Marriage of king Henry the 8th with the lady Anne Boleyn. And three years afterwards the same prelate being judicially seated in a certain low chapel within his house at Lambeth, by a definitive sentence annulled the Marriage between the same parties; the queen, in order to avoid the sentence of burning, having confessed to the archbishop, some just and lawful impediments to her marriage with the king.—A little before the latter event, viz. April 13, 1534, the commissioners sat at Lambeth to administer the oath of the settlement of Succession to the crown, upon the heirs of the same queen Anne, to the clergy, and chiefly those of London, that had not yet sworn, who all took it, not one excepted. And a certain doctor, Vicar of Croydon, that it seems made some boggle before, went up with the rest, of whom sir Thomas More, who then stood by, made an observation how as he passed he went to my doctor's Butteryhatch, and called for drink, and drank *valde familiariter*, 'whether,' says he, sarcastically, 'it were for gladness or dryness, or *quod ille notus erat pontifici.*' The same day were conveyed hither from the Tower, bishop Fisher and sir Thomas More, the only layman at this meeting, to tender this oath to them, who both being separately called, refused."

ing an ignorant and lewd man, he was accounted by the better sort of that house, to which he belonged in Greenwich, a reproach to their order (concerning this, I have seen a large account in an original letter written by a brother of the same house). Having regained the king's good opinion, he put all those, who had favoured the divorce, under great fears, for he proceeded cruelly against them. And one Rainscroft, being suspected to have given secret intelligence of what was done among them, was shut up, and so hardly used, that he dyed in their hands, which was, as that letter relates, done by frier Forrest's means. This frier was found to have denyed the king's supremacy: for though he himself had sworn it, yet he had infused it into many in confession, that the king was not the supream head of the Church. Being questioned for these practices, which were so contrary to the oath that he had taken, he answered, 'That he took that oath with his outward man, but his inward man had never consented to it.' Being brought to his tryal, and accused of several heretical opinions that he held, he submitted himself to the Church. Upon this, he had more freedom allowed him in the prison: but some coming to him diverted him from the submission he had offered; so that when the paper of abjuration was brought him, he refused to set his hand to it: upon which he was judged an obstinate heretick. The Records of these proceedings are lost; but the books of that time say, that he denied the Gospel. It is like it was upon that pretence, that without the determination of the Church it had no authority; upon which several writers of the Roman communion have said undecent and scandalous things of the Holy Scriptures. He was brought to Smithfield, where were present the lords of the council, to offer him his pardon if he would abjure. Latimer made a sermon against his errors, and studied to persuade him to recant; but he continued in his former opinions, so he was put to death in a most severe manner. He was hanged in a chain about his middle, and the great image that was brought out of Wales, was broken to pieces, and served for fewel to burn him. He shewed great unquietness of mind, and ended his life in an ungodly manner, as Hall says, who adds this character of him, "That he had little knowledge of God and his sincere truth, and less trust in him at his ending."

In winter that year a correspondence was discovered with cardinal Pole, who was barefaced in his treasonable designs against the king. His brother, sir Geofrey Pole, discovered the whole plot. For which the marquess of Exeter, (that was the king's cousin-german by his mother, who was Edward the 4th's daughter), the lord Montacute, the cardinal's brother sir Geofrey Pole, and sir Edward Nevill, were sent to the Tower in the beginning of November. They were accused for having maintained a correspondence with the cardinal, and for expressing an hatred of the king, with a dislike of his proceedings, and a readiness to rise upon any good opportunity that might offer itself.

The special matter brought against the lord Montacute, and the marquis of Exeter, who were tried by their peers on the 2d and 3d of December, in the 30th year of this reign, is, "That whereas cardinal Pole, and others, had cast off their allegiance to the king, and gone and submitted themselves to the pope, the king's mortal enemy, the lord Montacute did, on the 24th of July, in the 28th year of the king's reign, a few months before the rebellion broke out, say, that he liked well the proceedings of his brother the cardinal, but did not like the proceedings of the realm; and said, I trust to see a change of this world; I trust to have a fair day upon those knaves that rule about the king; and I trust to see a merry world one day.' Words to the same purpose were also charged on the marquess. The lord Montacute further said, "I would I were over the sea with my brother, for this world will one day come to stripes: it must needs so come to pass, and I fear we shall lack nothing so much as honest men." He also said, "He had dreamed that the king was dead, and though he was not yet dead, he would die suddenly; one day his leg will kill him, and then we shall have jolly stirring;" saying also, "That he had never loved him from his childhood, and that cardinal Wolsey would have been an honest man, if he had had an honest master." And the king having said to the lords he would leave them one day, having some apprehensions he might shortly die, that lord said, "If he will serve us so, we shall be happily rid; a time will come, I fear we shall not tarry the time, we shall do well enough." He had also said, "He was sorry the lord Abergavenny was dead, for he could have made ten thousand men; and for his part he would go and live in the west, where the marquis of Exeter was strong:" and had also said upon the breaking of the northern rebellion, "That the lord Darcy played the fool, for he went to pluck away the council, but he should have begun with the head first, but I beshrew him for leaving 'off so soon.' These were the words charged on those lords, as clear discoveries of their treasonable designs; and that they knew of the rebellion that broke out, and only intended to have kept it off to a fitter opportunity: they were also accused of correspondence with cardinal Pole, that was the king's declared enemy. Upon these points the lords pleaded not guilty, but were found guilty by their peers, and so judgment was given.

On the 4th of December were indicted sir Geofrey Pole, for holding correspondence with his brother the cardinal, and saying that he approved of his proceedings, but not of the kings; sir Edward Nevill, brother to the lord Abergavenny, for saying, the king was a beast, and worse than a beast; George Crofts, chancellor of the cathedral of Chichester, for saying, 'the king was not, but the pope was, Supream Head of the Church;' and John Col-

lins, for saying, 'The king would hang in hell one day for the plucking down of Abbeys.' All those, sir Edward Nevill only excepted, pleaded guilty, and so they were condemned; but sir Geofrey Pole was the only person of the number that was not executed, for he had discovered the matter. At the same time also, cardinal Pole, Michael Throgmorton, gentleman, John Hilliard and Thomas Goldwell, clerks, and William Peyto, a Franciscan of the Observants, were attainted in absence; because they had cast off their duty to the king, and had subjected themselves to the bishop of Rome, Pole being made cardinal by him; and for writing treasonable letters, and sending them into England. On the 4th of Feb. following, sir Nicholas Carew, that was both master of the horse, and knight of the garter, was arraigned for being an adherent to the marquess of Exeter, and having spoke of his attaindor as unjust and cruel. He was also attainted and executed upon the 3d of March. When he was brought to the scaffold, he openly acknowledged the errors and superstition in which he had formerly lived; and blessed God for his imprisonment, "For he then began to relish the life and sweetness of God's holy word, which was brought him by his keeper, one Phillips, who followed the Reformation, and had formerly suffered for it."

After these executions, followed the Parliament in 1539, in which not only these Attaindors that were already passed were confirmed, but new ones of a strange and unheard-of nature were enacted. It is a blemish never to be washed off, and which cannot be enough condemned, and was a breach of the most sacred and unalterable rules of justice, which is capable of no excuse; it was the attainting of some persons, whom they held in custody, without bringing them to a trial. Concerning which, I shall add what the great lord chief justice Coke writes: "Although I question not the power of the parliament, for without question the attaindor stands of force in law, yet this I say of the manner of proceeding, *Auferat oblivio, si potest, si non utrumque silentium tegat.* For the more high and absolute the jurisdiction of the court is, the more just and honourable it ought to be in the proceedings, and to give example of justice to inferior courts." The chief of these were the marchioness of Exeter and the countess of Sarum. The special matter charged on the former, is her confederating herself to sir Nicholas Carew, in his treasons; to which is added, 'That she had committed divers other abominable treasons.' The latter is said to have confederated "herself with her son the cardinal, with other aggravating words." It does not appear by the Journal that any witnesses were examined; only that day that the bills were read the third time in the house of lords, Cromwell shewed them a coat of white silk, which the lord admiral had found among the countess of Sarum's cloaths, in which the arms of England were wrought on the one side, and the standard that was carried before the rebels was on the other side. This was brought as an evidence that she approved of the rebellion. Three Irish priests were also attainted for carrying letters out of Ireland, to the pope and cardinal Pole, as also sir Adrian Fortescue for endeavouring to raise rebellion, Thomas Dingley, a knight of St. John of Jerusalem, and Robert Granceter, merchant, for going to several foreign princes, and persuading them to make war upon the king, and assist the lords Darcy and Hussie in the rebellion they had raised. Two gentlemen, a Dominican frier, and a yeoman, were by the same act attainted, for saying that 'That venemous serpent the bishop of Rome was Supreme Head of the church of England.' Another gentleman, two priests, and a yeoman were attainted for treason in general, no particular crime being specified. Thus sixteen persons were in this manner attainted, and if there was any examination of witnesses for convicting them, it was either in the Star-Chamber, or before the privy council; for there is no mention of any evidence that was brought in the Journals: there was also much haste made in the passing this bill: it being brought in the 10th of May was read that day for the first and second time, and the 11th of May for the third time. The commons kept it five days before they sent it back, and added some more to those that were in the bill at first; but how many were named in the bill originally, and how many were afterwards added, cannot be known. Fortescue and Dingley suffered the 10th of July. As for the countess of Sarum, the lord Herbert saw in a Record, "That Bulls from the pope were found in her house, that she kept correspondence with her son, and that she forbade her tenants to have the New Testament in English, or any other of the books that had been published by the king's authority." She was then about seventy years of age, but shewed by the answers she made, that she had a vigorous and masculine mind. She was kept two years prisoner in the Tower, after the act had passed, the king by that reprieve designing to oblige her son to a better behaviour; but upon a fresh provocation by a new rebellion in the north, she was beheaded, and in her, the name and line of Plantagenet determined. The marchioness of Exeter died a natural death. In November this year were the abbots of Reading, Glassenbury and Colchester attainted of Treason, of which mention was made formerly.

In the parliament that sate in the year 1540 they went on to follow that strange precedent, which they had made the former year. By the 56th act, Giles Heron was attainted of treason, no special matter being mentioned.

By the 57th act, Richard Fetherstoun, Thomas Abell, and Edward Powel, priests, and William Horn, a yeoman, were attainted, for denying the king's supremacy, and adhering to the bishop of Rome: by the same act the wife of one — Tirrell, esq. was attainted, for refusing her duty of allegiance, and denying prince Ed-

ward to be prince and heir of the crown; and one Laurence Cook, of Doncaster, was also attainted for contriving the king's death.

By the 58th act, Gregory Buttolph, Adam Damplip, and Edward Brindeholm, clerks, and Clement Philpot, gentleman, were attainted, for adhering to the bishop of Rome, for corresponding with cardinal Pole, and endeavouring to surprize the town of Calais: by the same act Barnes, Gerrard, and Jerome were attainted, of whose sufferings an account has been already given.

By the 59th act, William Bird, a priest and chaplain to the lord Hungerford, was attainted, for having said to one that was going to assist the king against the rebels in the north 'I am sorry thou goest, seest thou not how the king plucketh down images and abbies every day? And if the king go thither himself, he will never come home again, nor any of them all which go with him, and in truth it were pity he should ever come home again;' and at another time upon ones saying, 'O good Lord, I ween all the world will be heretics in a little time:' Bird said, 'Doest thou marvel at that? I tell thee it is no marvel, for the great master of all is an heretick, and such a one as there is not his like in the world.'

By the same act, the lord Hungerford was likewise attainted. "The crimes specified are, that he knowing Bird to be a traitor, did entertain him in his house as his chaplain; that he ordered another of his chaplains, sir Hugh Wood, and one Dr. Maudlin to use conjuring, that they might know how long the king should live, and whether he should be victorious over his enemies or not; and that these three years last past he had frequently committed the detestable sin of sodomy with several of his servants:" All these were attainted by that parliament. The lord Hungerford was executed the same day with Cromwell; he dyed in such disorder that some thought he was frenetick, for he called often to the executioner to dispatch him, and said he was weary of life, and longed to be dead, which seemed strange in a man that had so little cause to hope in his death. For Powel, Fetherstoun, and Abell, they suffered the same day with Barnes and his friends, as hath been already shewn.

This year, Sampson bishop of Chichester, and one doctor Wilson were put in the Tower, upon suspition of a correspondence with the Pope. But upon their submission they had their pardon and liberty. In the year 1541, five priests and ten secular persons, some of them being gentlemen of quality, were raising a new rebellion in Yorkshire; which was suppressed in time, and the promoters of it being apprehended, were attainted and executed, and this occasioned the death of the countess of Sarum, after the execution of the sentence had been delayed almost two years.

The last instance of the king's severity was in the year 1543, in which one Gardiner, that was the bishop of Winchester's kinsman and secretary, and three other priests, were tryed, for denying the king's supremacy, and soon after executed. But what special matter was laid to their charge, cannot be known, for the record of their attainder is lost.

These were the proceedings of this king against those that adhered to the interests of Rome: in which, though there is great ground for just censure, for as the laws were rigorous, so the execution of them was raised to the highest that the law could admit; yet there is nothing in them to justifie all the clamours which that party have raised against king Henry, and by which they pursue his memory to this day; and are far short, both in number and degrees, of the cruelties of queen Maries reign, which yet they endeavour all that is possible to extenuate or deny.—To conclude, we have now gone through the reign of king Henry the 8th, who is rather to be reckoned among the great than the good princes. He exercised so much severity on men of both persuasions, that the writers of both sides have laid open his faults, and taxed his cruelty. But as neither of them were much obliged to him, so none have taken so much care to set forth his good qualities, as his enemies have done to enlarge on his vices: I do not deny, that he is to be numbred among the ill princes, yet I cannot rank him with the worst.

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40. Proceedings in Parliament against Sir Thomas Seymour, knt. Lord Seymour of Sudley, Lord High Admiral of England, Uncle to the King, and Brother to the Lord Protector, for High Treason: 2 & 3 Edward VI. A. D. 1549. [2 Burn. Reform. 90. 8 Rapin, 50. 1 Cobb. Parl. Hist. 587.]

About the year 1547, sir Thomas Seymour, the Protector's brother, was brought to such a share of his fortunes, that he was made a baron, and lord admiral. But this not satisfying his ambition, he endeavoured to have linked himself into a nearer relation with the crown, by marrying the king's sister, the lady Elizabeth. But finding he could not compass that, he made his addresses to Catherine Parr, the queen dowager, and they were married privately. Being by this match possessed of great wealth, he studied to engage all about the king to be his friends. His design was, that since he was the king's uncle as well as his brother, he ought to have a proportioned share with him in the government. About

Easter that year he first set about that design; and corrupted some about the king, who should bring him sometimes privately through the gallery to the queen dowager's lodgings; and he desired they would let him know when the king had occasion for money, they should not trouble the treasury, for he would furnish him. Thus he gained ground with the king.

When the Protector was that year in Scotland, the Admiral began to act more openly, and was for making a party for himself, of which Paget charged him in plain terms, yet all was ineffectual; for the admiral was resolved to go on, and either get himself advanced higher, or perish in the attempt. During the session, the Admiral got the king to write with his own hand a message to the house of commons for making him governor of his person, and he intended to have gone with it to the house, and had a party there, by whose interest he was confident to have carried his business: he dealt also with many of the lords and counsellors to assist him in it. When this was known, before he had gone with it to the house, some were sent in his brother's name to see if they could prevail with him to go no further; he refused to hearken to them, and said, that if he were crossed in his attempt, he would make this the 'blackest Parliament' that ever was in England. Upon that he was sent for by order from the Council, but refused to come; then they threatened him severely, and told him, the king's writing was nothing in law, but that he who had procured it, was punishable for doing an act of such a nature, &c. so they resolved to have him sent to the Tower. But at last he submitted himself to the Protector and Council; and his brother and he seemed to be perfectly reconciled *(a)*, though it was visible he only put off his projects till a fitter conjuncture, and was on all occasions infusing into the king a dislike of every thing that was done, persuading him to assume the government himself, and bribing his servants.

Thus he continued contriving and plotting for some time; the Protector had often been told of these things, and warned him of the danger into which he would throw himself. But his restless ambition seeming incurable, he was on the 19th of January (Stowe sayeth the 16th) sent to the Tower *(b)*: and now many things broke out against him, particularly a conspiracy of his with sir William Sharington, vice treasurer of the Mint at Bristol, who was to have furnished him with 10,000 *l.* and had already coined about 12,000 *l.* false money *(c)*, and had clipt a great deal more, to the value of 40,000 *l.* in all; for which he was attainted by a process at common law, and that was confirmed in parliament *(d)*. Fowler also, that waited in the privy-chamber, with others, were sent to the Tower; many complaints being brought against him, the lord Russel, the earl of Southampton and Secretary Petre were ordered to receive their Examinations.

The Protector finding he could not persuade him to submit, on the 22d of Feb. a report was made to the Council of all the Informations against him; consisting not only of the particulars before-mentioned, but of many foul Misdemeanours in the discharge of the Admiralty, several pirates being concerned with him, &c. The whole Charge against him, consisting of 33 Articles, is as followeth, viz.

Articles of High Treason, and other Misdemeanours against the King's Majesty and his

(a) It is mentioned by some historians, that the first occasion of the quarrel between the two brothers, arose from the envy and malice of the duchess of Somerset against the queen dowager, wife to the Admiral, and that she claimed the precedency as the Protector's lady; but this is very unlikely, that she should be so ignorant of the customs of England, as to dispute precedency with the queen dowager. The whole story seems to be forged by Saunders, in his Treatise de Schismat. Anglican. and copied by Hayward, &c. See 2 Kennet 301, and 2 Burnet's Reformation, 54. 8 Rapin 53, and 2 Strype's Memorials, 124 and 475. But Strype in the same volume, p. 133, saith, king Edward, in his invaluable Journal, preserved in the Cotton Library, noteth, that the Protector was much offended with this marriage of his brother to the queen. See also Strype's Animadversions on Hayward's Edw. 6, in his Memorials, vol. ii. p. 475, and Burnet's Appendix to vol. ii. p. 392; concerning some errors and falshoods in Saunders's Book of the English Schism.

(b) In Bibliotheca Harleiana, 40 B. 29, 51, is the duke of Somerset's and Council's Letter to sir Philip Hobby, declaring to him "The traitorous proceedings of the Lord High Admiral, the duke's brother, viz. 'That he attempted to take in his own hands the most noble person of the king's majesty, and intended by bandying himself with divers persons, to have moved plain sedition in the parliament, and otherwise to have put the whole realm in trouble and danger. That such his practices being discovered, and he questioned, he seemed very penitent, whereupon he was forgiven, and his living advanced almost 1000 marks per annum. That afterwards he practised, and had almost compassed a secret marriage between himself and the lady Eliz. the king's sister; and then intended to have taken into his hands, and order the person of the king's majesty, and the lady Mary, and to have disposed of his majesty's whole council at his pleasure: for all which he is put into the Tower of London."

(c) See sir William Sharington's Confession in 2 Strype's Memorials, 81, in the Repository.

(d) See the Act for confirmation of the Attainder of sir William Sharington, knt. in 1 Rastal's Statutes, 951, and the Act for the restitution in blood of sir Wm. Sharington, knt. ibid. 995.

Crown, objected to Sir Thomas Seymour, Knt. Lord Seymour of Sudley, and High Admiral of England. (e)

" 1. Whereas the duke of Somerset was made Governor of the king's majesty's person, and Protector of all his realms, and dominions, and subjects, to the which you yourself did agree, and gave your consent in writing; it is objected and laid unto your charge, That this notwithstanding you have attempted and gone about, by indirect means, to undo this order, and to get into your hands the government of the king's majesty, to the great danger of his highness's person, and the subversion of the state of the realm. 2. That by corrupting with gifts, and fair promises, divers of the privy chamber, you went about to allure his highness to condescend and agree to the same your most heinous and perilous purposes, to the great danger of his highness's person, and of the subversion of the state of the realm. 3. That you wrote a Letter with your own hand, which letter the king's majesty should have subscribed, or written again after that copy, to the Parliament house; and that you delivered the same to his highness for that intent: With the which so written by his highness, or subscribed, you have determined to have come into the commons house yourself; and there, with your fautors and adherents before prepared, to have made a broil, or tumult, or uproar, to the great danger of the king's majesty's person, and subversion of the state of this realm. 4. That you yourself spake to divers of the Council, and laboured with divers of the nobility of the realm, to stick and adhere unto you for the alteration of the state, and order of the realm, and to attain your other purposes, to the danger of the king's majesty's person, now in his tender years, and subversion of the state of the realm. 5. That you did say openly and plainly, you would make the blackest Parliament that ever was in England. 6. That being sent for by the authority, to answer to such things as were thought meet to be reformed in you, you refused to come; to a very evil example of disobedience, and danger thereby of the subversion of the state of the realm. 7. That since the last sessions of this parliament, notwithstanding much clemency shewed unto you, you have still continued in your former mischievous purposes; and continually, by yourself and others, studied and laboured to put into the king's majesty's head and mind, a misliking of the government of the realm, and of the Lord Protector's doings, to the danger of his person, and the great peril of the realm. 8. That the king's majesty being of those tender years, and as yet by age unable to direct his own things, you have gone about to instil into his grace's head, and as much as lieth in you, persuaded him to take upon himself the government and managing of his own affairs, to the danger of his highness's person, and great peril of the whole realm. 9. That you had fully intended and appointed, to have taken the king's majesty's person into your own hands and custody, to the danger of his subjects, and peril of the realm. 10. That you have corrupted, with money, certain of the privy chamber, to persuade the king's majesty to have a credit towards you; and so to insinuate you to his grace, that when he lacked any thing, he should have it of you and none other body, to the intent he should mislike his ordering, and that you might the better, when you saw time, use the king's highness for an instrument to this purpose, to the danger of his royal person, and subversion of the state of the realm. 11. That you promised the marriage of the king's majesty at your will and pleasure. 12. That you have laboured, and gone about to combine and confederate yourself with some persons; and especially moved those noblemen whom you thought not to be contented, to depart into their countries, and make themselves strong; and otherwise, to allure them to serve your purpose by gentle promises and offers, to have a party and faction in readiness to all your purposes, to the danger of the king's majesty's person, and peril of the state of the realm. 13. That you have parted, as it were, in your imagination and intent, the realm, to set noblemen to countervail such other noblemen as you thought would lett your devilish purposes, and so laboured to be strong to all your devices; to the great danger of the king's majesty's person, and great peril of the state of the realm. 14. That you had advised certain men to entertain and win the favour and good-wills of the head yeomen and ringleaders of certain countries, to the intent that they might bring the multitude and commons, when you should think meet, to the furtherance of your purposes. 15. That you have not only studied and imagined how to have the rule of a number of men in your hands, but that you have attempted to get, also gotten, divers stewardships of noblemen's lands, and their mannoreds, to make your party stronger, for your purposes aforesaid: to the danger of the king's majesty's person, and great peril of the state of the realm. 16. That you have retained young gentlemen, and hired yeomen, to a great multitude, and far above such number as is permitted by the laws and statutes of the realm, or were otherwise necessary or convenient for your service, place, or estate, to the fortifying of yourself towards all your evil intents and purposes; to the great danger of the king's majesty, and peril of the state of the realm. 17. That you had so travailed in that matter, that you had made yourself able to make, of your own men, out of your lands and rules, and other your adherents, ten thousand men, besides your friends, to the advancement of all your intents and purposes; to the danger of the king's majesty's person, and the great peril of the state of the realm. 18. That you had conferred, cast, and weighed so much money as would find the said ten thousand men for a month; and that you knew how and where to have the same sum; and that you had given

(e) Ex libro Concilii, f. 236.

warning to have and prepare the said mass of money in a readiness; to the danger of the king's majesty's person, and great peril to the state of the realm. 19. That you have not only before you married the queen, attempted and gone about to marry the king's majesty's sister, the lady Elizabeth, second inheritor in remainder to the crown, but also being then lett by the Lord Protector, and others of the Council, since that time, both in the life of the queen, continued your old labour and love; and after her death, by secret and crafty means, practised to atchieve the said purpose of marrying the said lady Elizabeth; to the danger of the king's majesty's person, and peril of the state of the same. 20. That you married the late queen so soon after the late king's death, that if she had conceived streight after, it should have been a great doubt whether the child born should have been accounted the late king's or yours; whereupon a marvellous danger and peril might, and was like to have ensued to the king's majesty's succession and quiet of the realm. 21. That you first married the queen privately, and did dissemble and keep close the same; insomuch, that a good space after you had married her, you made labour to the king's majesty, and obtained a letter of his majesty's hand, to move and require the said queen to marry with you; and likewise procured the Lord Protector to speak to the queen to bear you her favour towards marriage: by which colouring, not only your evil and dissembling nature may be known, but also it is to be feared, that at this present you did intend to use the same practice in the marriage of the lady Elizabeth's grace. 22. That you not only, so much as lay in you, did stop and lett all such things as, either by parliament or otherwise, should tend to the advancement of the king's majesty's affairs, but did withdraw yourself from the king's majesty's service; and being moved and spoken unto, for your own honour, and for the ability that was in you, to serve and aid the king's majesty's affairs, and the Lord Protector's, you would always draw back, and feign excuses, and declare plainly that you would not do it.—Wherefore, upon the discourse of all these foresaid things, and of divers others, it must needs be intended, that all these preparations of men and money, the attempts and secret practices of the said marriage; the abusing and persuading of the king's majesty to mislike the government, state, and order of the realm that now is, and to take the government into his own hands, and to credit you; was to none other end and purpose, but after a title gotten to the crown, and your party made strong both by sea and land, with furniture of men and money sufficient to have aspired to the dignity royal, by some heinous enterprize against the king's majesty's person; to the subversion of the whole state of the realm. 23. That you not only had gotten into your hands the strong and dangerous isles of Scilly, bought of divers men; but that so much as lay in your power, you travailed also to have Londay, and under pretence to have victualled the ships therewith, not only went about, but also moved the Lord Protector, and whole council, that you might, by publick authority, have that, which by private fraud and falshood, and confederating with Sharington, you had gotten: that is, the Mint at Bristol, to be yours wholly, and only to serve your purposes, casting, as may appear, that if these traiterous purposes had no good success, yet you might thither convey a good mass of money; where being aided with ships, and conspiring at all evil events with pirates, you might at all times have a sure and safe refuge, if any thing for your demerits should have been attempted against you. 24. That having knowledge that sir Wm. Sharington, kt. had committed Treason, and otherwise wonderfully defrauded and deceived the king's majesty, nevertheless, you both by yourself, and by seeking counsel for him, and by all means you could, did aid, assist, and bear him, contrary to your allegiance and duty to the king's majesty, and the good laws and orders of the realm. 25. That where you owed to sir Wm. Sharington, kt. a great sum of money, yet to abet, bear, and cloak the great falshood of the said Sharington, and to defraud the king's majesty, you were not afraid to say and affirm, before the Lord Protector and the Council, that the same Sharington did owe unto you a great sum of money, viz. 2800*l.* and to conspire with him in that falshood, and take a bill of that feigned debt into your custody. 26. That you by yourself and ministers, have not only extorted and bribed great sums of money of all such ships as should go into Island, but also as should go any other where in merchandise, contrary to the liberty of this realm, and to the great discouragement and destruction of the navy of the same, to the great danger of the king's majesty, and the state of the realm. 27. That where divers merchants, as well strangers as Englishmen, have had their goods piratously robbed and taken, you have had their goods in your hands and custody, daily seen in your house, and distributed among your servants and friends, without any restitution to the parties so injured and spoiled; so that thereby foreign princes have in a manner been weary of the king's majesty's amity, and by their ambassadors divers times complained; to the great slander of the king's majesty, and danger of the state of the realm. 28. That where certain men have taken certain pirates, you have not only taken from the takers of the said pirates, all the goods and ships so taken, without any reward, but have cast the said takers, for their good service done to the king's majesty, into prison, and there detained them a great time; some eight weeks, some more, some less, to the discouraging of such as truly should serve the king's majesty against his pirates and enemies. 29. That divers of the head pirates being brought unto you, you have let the same pirates go again free unto the seas, and taken away from the takers of them, not

only all their commodity and profit, but from the true owners of the ships and goods, all such as ever came into the pirates hands, as though you were authorized to be the chief pirate, and to have had all the advantages they could bring unto you. 30. That where order hath been taken, by the Lord Protector and the whole Council, that certain goods, piratically taken upon the seas, and otherwise known not to be wreck nor forfeited, should be restored to the true owners, and letters thereupon written by the Lord Protector and the Council; to the which letters, you yourself, among the other, did set to your hand: yet you, this notwithstanding, have given commandment to your officers, that no such letters should be obeyed; and written your private letters to the contrary, commanding the said goods not to be restored, but kept to your own use and profit, contrary to your own hand before in the council-chamber written; and contrary to your duty and allegiance, and to the perilous example of others, and great slander and danger of the realm. 31. That where certain strangers, which were friends and allies to the king's majesty, had their ships, with wind and weather broken, and yet came unwrecked to the shore; when the Lord Protector and the Council had written for the restitution of the said goods, and to the country to aid and save so much of the goods as might, you yourself subscribing and consenting thereto: yet this notwithstanding, you have not only given contrary commandment to your officers, but as a pirate have written letters to some of your friends to help, that as much of these goods as they could, should be conveyed away secretly by night farther off, upon hope that if the said goods were assured, the owners would make no further labour for them, and then you might have enjoyed them, contrary to justice and your honour, and to the great slander of this realm. 32. That you have not only disclosed the king's majesty's secret council, but also where you yourself, among the rest, have consented and agreed to certain things for the advancement of the king's affairs, you have spoken and laboured against the same. 33. That your deputy steward, and other your ministers of the Holt, in the county of Denbigh, have now, against Christmas last past, at the said Holt, made such provision of wheat, malt, beefs, and other such things as be necessary for the sustenance of a great number of men; making also, by all the means possible, a great mass of money; insomuch, that all the country doth greatly marvel at it, and the more, because your servants have spread rumours abroad, that the king's majesty was dead; whereupon the country is in a great maze, doubt and expectation, looking for some broil, and would have been more, if at this present, by your apprehension, it had not been staied.

These Articles (as entered in the Council-Books) were so manifestly proved, not only by witnesses, but by letters under his own hand, that it did not seem possible to deny them; yet he had been sent to and examined by some of the Council, but refused to make a direct Answer to them, or to sign those Answers that he had made. So it was ordered, that the next day, all the privy council, except the abp. of Canterbury, and sir John Baker, Speaker of the House of Commons, who was engaged to attend in the house, should go to the Tower, and examine him. On the 23d the lord chancellor, with the other counsellors, went to him, and read the Articles of his Charge, and earnestly desired him to make plain Answers to them, excusing himself where he could, and submitting himself in other things; and that he would shew no obstinacy of mind. He answered them, That he expected an open Trial, and his accusers to be brought face to face. All the counsellors endeavoured to persuade him to be more tractable, but to no purpose. At last the lord chancellor required him, on his allegiance, to make his Answer. He desired they would leave the Articles with him, and he would consider of them, otherwise he would make no answer to them. But the counsellors resolved not to leave them with him on those terms. *(f)* On the 24th of Feb. it was resolved in council, That the whole board should after dinner acquaint the king with the state of that affair, and desire to know of him whether he would have the law to take place? and since the thing had been before the parliament, whether he would leave it to their determination? When the counsellors waited on him, the lord chancellor opened the matter to the king, and delivered his opinion for leaving it to the parliament; then every counsellor by himself spoke his mind all to the same purpose. Last of all the Protector spake. He protested this was a most sorrowful business of him, that he had used all the means in his power to keep it from coming to this extremity. But were it son or brother, he must prefer his majesty's safety to them, for he weighed his allegiance more than his blood; and that therefore he was not against the request that the other lords had made, and said, if he himself

(f) It is strange that as the particulars of his Charge were manifestly proved, if any credit is to be given to the Council Book, not only by witnesses, but by Letters under his own hand, they should refuse however to try him according to the laws of the land, and to bring his accusers face to face; and yet he was a peer of the realm, lord high admiral of England, and uncle to the king. At last, finding he could not obtain this favour, or rather justice, he desired the Articles of his accusation might be left with him, and said he would answer to them when he had examined them; but even this was denied him: I don't know whether it was lawful then to leave with the party accused the Articles of his charge, and to allow him time to examine them: but as for the bringing his accusers face to face, it is evident that could not be denied him without injustice, though this pernicious custom had been introduced in the late reign." 8 Rapin, 50.

were guilty of such offences, he should not think he were worthy of life, and the rather, because he was of all men the most bound to his majesty; and therefore he could not refuse justice. *(g)* The king answered them in these words: "We perceive that there are great things objected and laid to my Lord Admiral my uncle, and they tend to Treason: and we perceive that you require but justice to be done. We think it reasonable, and we will, that you proceed according to your request." However, the lords resolved that some of both houses should be sent to the Admiral before the Bill should be put in against him, to see what he could or would say; so my lord chancellor, the earl of Shrewsbury, Warwick, and Southampton, and sir John Baker, sir Tho. Cheney, and sir Anthony Denny, were sent to him. He was long obstinate, but after much persuasion was brought to give an Answer to the first three Articles, viz.

The Lord Admiral's Answer to three of the Articles.

"To the first, he saith that about Easter-Tide was twelvemonths, he said to Fowler, as he supposeth it was, that if he might have the king in his custody, as Mr. Page had, he would be glad; and that he thought a man might bring him through the gallery to his chamber, and so to his house: but this he said he spoke merrily, meaning no hurt. And that in the mean time after he heard, and upon that, sought out certain precedents, that there was in England at one time, one Protector, and another regent of France, and the duke of Exeter, and the bishop of Winchester, governors of the king's person: upon that, he had thought to have made suit to the Parliament house for that purpose, and he had the names of all the lords, and totted them whom he thought he might have to his purpose to labour them. But afterwards communing with Mr. Comptroller at Ely-place, being put in remembrance by him of his assenting and agreeing with his own hand, that the Lord Protector should be governour of the king's person, he was ashamed of his doings, and left off that suit and labour.—To the second, he saith he gave money to two or three of them which were about the king. To Mr. Cheek, he saith, he gave at Christmas-Tide was twelvemonths, when the queen was at Enfield, 40*l.* whereof to himself 20*l.* the other for the king, to bestow where it pleased his grace amongst his servants. Mr. Cheek was very loth to take it, howbeit he would needs press that upon him; and to him he gave no more, at no time, as he remembreth, since the king's majesty was crowned. To the grooms of the chamber he hath at New-Year's-Tides given money, he doth not well remember what. To Fowler, he saith, he gave money for the king, since the beginning of this parliament now last at London, 20*l.* And divers times, he saith, the king hath sent to him for money, and he hath sent it. And what time Mr. Latimer preached before the king, the king sent to him to know what he should give Mr. Latimer; and he sent to him by Fowler, 40*l.* with this word, that 20*l.* was a good reward for Mr. Latimer, and the other he might bestow amongst his servants. Whether he hath given Fowler any money for himself, he doth not remember.—To the third, he saith, it is true, he drew such a Bill indeed himself, and proffered it to the king, or else to Mr. Cheek, he cannot well tell; and before that he saith, he caused the king to be moved by Mr. Fowler, whether he could be contented that he should have the governance of him as Mr. Stanhope had. He knoweth not what answer he had: but upon that he drew the said bill to that effect, that his majesty was content; but what answer he had to the bill, he cannot tell: Mr. Cheek can tell."

Then he on a sudden stopt short, and bade them be content, for he would go no further, and no intreaties would work on him, either to answer the rest, or to set his hands to the Answers he had made. On Feb. the 25th was read in the house of lords the first time, the Bill for Attainder of the Lord Admiral: Feb. 26, read the second time: Feb. 27, read the third time; and concluded with the common assent of all the peers. *(c)* The same day,

(g) "It is a pretty hard task to justify the duke of Somerset for prosecuting his own brother to death, for crimes committed against his person only. But indeed it was never clearly proved, that he had formed any ill design either against the king or the state, as he protested to his last breath. But this is not the only time that plots against the Ministers have been reckoned High Treason." 8 Rapin, 52.

(h) Burnet says, "The peers had been so accustomed to agree to such bills in king Henry's time, that they did easily pass it. All the judges and the king's council delivered their opinions, That the Articles were Treason. Then the Evidence was brought: many lords gave it so fully, that all the rest, with one voice, consented to the Bill; only the Protector, *for natural pity's sake*, as in the Council Book, desired leave to withdraw. On the 27th, the Bill was sent down to the commons, with a message, That if they desired to proceed as the lords had done, those lords that had given their Evidence in their own house, should come down and declare it to the commons. But there was more opposition made in the house of commons. Many argued against Attainders in absence, and thought it an odd way that some peers should rise in their places in their own house, and relate somewhat to the slander of another, and that he should be thereupon attainted: therefore it was pressed, that it might be done by a Trial, and that the Admiral should be brought to the bar, and be heard plead for himself. But on the 4th of March a message was sent from the king, That he thought it was not necessary to send for the Admiral; and that the lords should come

being Wednesday, the Bill was sent down to the commons; when it was thought good by them to send down certain members of their house, to declare unto the commons the manner after which the lords had proceeded in that matter; and further to declare unto them, that in case they were minded to proceed in like sort, certain noblemen who had given evidence against the said Lord Admiral, should be sent unto them, to declare by mouth and presence such matters, as by their writing should in the mean time appear unto them. The Master of the Rolls, sir James Hales, and serjeant Molineux, were the persons sent by the lords. March the 2d, they were sent again to the lower house, with the like commission in effect, as they were sent the Wednesday before. Answer was made, That they would consult together, and thereupon they would with speed send up their Resolution. But no haste having been made therein by them of the nether house, the lords having sat so long, as it was thought the time now far spent, they concluded to depart; desiring the Lord Protector, that it would please him to receive such Answer as should be sent touching that purpose, and to make report thereof at their next assembly, which should be the next Monday. March the 5th, the Bill was brought from the commons for the Attainder of the lord Sudley. Thus it is related in the Journal of the House of Lords.

By the Journal of the House of Commons it appears, that this Bill was read there the last day of Feb. the first time; March the 1st read again; and March 2d the Master of the Rolls, serjeant Molineux, serjeant Hales, and the king's sollicitor, were sent from the lords to know the pleasure of this house, if it should be resolved there, to pass upon the attainder of the Admiral in such order as it passed in the higher house? Whereupon it was ordered, that advertisement thereof be sent to the lords by some of that house: That it was resolved, that the Evidence should be heard orderly, as it was before the lords: and also to require, that the lords who affirmed that evidence, might come hither and declare it *viva voce*. And this to be delivered to the Lord Protector by Mr. Speaker, and other the king's privy council of the house. March the 4th, the Master of the Rolls, &c. declared the king's pleasure to be, that the Admiral's presence was not necessary in this court; and therefore not to be there. And further declared, That if the house would require to have the lords to come and to satisfy the house for the evidence against the Admiral, the lords would come. Then it was ordered, That master comptroller, and others of the king's privy council, should hear the lords; and require, that if it were judged necessary to have the lords come down, that upon any further suit they might come down to the house. And the Bill for the attainder of High-Treason of sir Thomas Seymour, lord Sudley, was read the third time. Thus far the Journal of the House of Commons. On the 5th of March the royal assent was given to the Bill, which here followeth:

An Act for the Attainder of Sir Thomas Seymour, Knt. Lord Seymour of Sudley, High Admiral of England. Cap. xviii.

"In their most humble wise beseeching your most excellent majesty, the lords spiritual and temporal, and the commons in this present parliament assembled; That where sir Thomas Seymour, lord Seymour of Sudley, High-Admiral of England, not having God before his eyes, nor regarding the duty which by nature, benefits, and allegiance he ought to your highness, nor being content with his honourable state and condition, whereunto your majesty hath called and indued him with; but replenished and filled with the most dangerous, insatiable, and fearful vice of ambition, and greediness of rule, authority, and dominion, did in the first year of your most noble and victorious reign, determine and resolve with himself to take into his hands your most noble person, and the same either by violence, stealth, or other undue means, to have in his possession, with the order, rule, and government of your majesty's realms, dominions, and affairs, which were before that time, as well by your royal-assent, as by the consent and liberate advice of all your nobles and council, whereof he the said Lord-Admiral was one, otherwise ordered, decreed, and determined; by the means whereof, and by the most prudent foresight and direction of your grace's dearest uncle the duke of Somerset, governour of your majesty's most royal person, and protector of your highness's realms, dominions and subjects, being the said Admiral disappointed of his malicious enterprise. The same Admiral continuing nevertheless his great ambition, and most detestable, malicious, and traitorous, purposes, thinking by tumult and violence openly to atchieve that thing which by slight he could not secretly compass, travailed with your majesty, being yet for your tender years not able to conceive his falsehood, by crafty, subtile, and traiterous means and persuasions, having also prepared about your grace, by corruption, sundry persons to be instruments to help forward all his naughty,

down and renew before them the Evidence they had given in their own house. This was done; and so the Bill was agreed to by the commons in a full house, judged about 400, and there were not above ten or twelve that voted in the negative." The Bishop, in the next page, says, "But the way of proceeding was much condemned, since to attaint a man without bringing him to make his own defence, or to object what he could say to the Witnesses that were brought against him, was so illegal and unjust, that it could not be defended, only this was to be said for it, That it was a little more regular than Parliamentary Attainders had been formerly; for here the Evidence, upon which it was founded, was given before both houses." 2 Burnet's Reform. 99.

traitorous purposes, to have caused your grace at his contemplation, to have written a Bill or Letter of your majesty's own hand, to your high-court of parliament, desiring the same thereby to be good unto the said lord Seymour, in such suits and matters as he should open and declare unto them; which Bill or Letter the said Lord Admiral thought and determined not only in his own person to have brought into the nether house of your said court of parliament, but also to have likewise opened the same in the higher house, having in both the same houses laboured, stirred, and moved a number of persons to take part and join with him in such things as he would set forth and enterprise, whereby he thought to breed such a tumult, uproar, and sedition, as well in the said court, as in the whole realm, as by the troubling of the whole state and body of this your realm, he might the more facily and easily bring to pass his most fearful, devilish, and naughty purpose: for the more sure and certain compassing whereof, like as he feared not to say to certain noblemen and others, that he would make the blackest parliament that ever was seen here in England, so most traitorously, for the further accomplishment of his lewd enterprise, he retained a great number of men, and prepared a great furniture of weapons and habiliments of war, ready for the execution of the said traitorous attempts. And to colour and cloak his said mischievous purposes, did, by all such ways and means as he could possibly devise and imagine, practice, as it were, for his entry towards the same, to seek and attain the government of your most noble person, and thereby to have gotten into his hands the order of your realms and dominions, whereunto he aspired in such sort, as he did even then travail expressly with the most part of your highnesses most honourable council to help him to the said government, doing likewise all he could in the parliament by himself, his servants and ministers, not only to hinder and lett all things there proponed, which touched the honour, surety, and benefit of your majesty and the realm; but also spreading abroad slanders touching your majesty's person, your dearest uncle the said Lord Protector, and the whole state of your council, over-vile, dangerous, and unmeet to be here recited: Which things being by the goodness of God revealed, as your said uncle the Lord Protector could not chuse but heartily lament the said lord admiral's evil, maljeious, and corrupt disposition, chiefly in respect of the apparent and irrecuperable danger which was like, by the same, presently to have ensued to your majesty, and to your realms and dominions; and secondly, for that he was by proximity of blood so nearly joined unto him. So hoping that by good advertisements and counsels, he might yet recover and save him, and by the grace of God cause him to cast away his naughty, vile and ambitious disposition, and to have had a better consideration hereafter to his duty, both to God and unto your majesty, whereunto he was most bounden; the said Lord Protector laboured with the whole councel and otherwise, to reconcile and reform him, which presently must else have perished in his folly and outrage. And albeit, the said Lord Protector had then perfect knowledge of the attempts and misbehaviours of the said admiral before rehearsed; and that the said admiral had then said, that he would not come at the said Lord Protector and council, although they sent for him, and that he would not be committed to any ward for his doings by the best of them, whereby it appeared that he thought his party strong enough to resist your majesty's power and ordinary authority; yet the said Lord Protector, not ceasing with all clemency to follow his godly and charitable purpose, did not only use all the good means he could devise by the persuasions of certain of your grace's council, and otherwise to frame him to the amendment of his evils, and so to bring him to the better remembrance of his duty; but also considering, that if the matter should have grown to extremity, being so near, and so much bound to your majesty, being new come to your kingdom, your subjects not altogether left in the best concord for matters of religion, great slander, tumult, and danger might have ensued thereby as well here at home in your realm, as from some outward parts with whom you were in the war, and in some secret enmity ready to enter the wars, thought it, with the advice of your whole council, most meet and surest for your majesty to pass his evil-doings over in silence, and in somewhat the more in respect of the better stay, for the time of your present estate, to bridle him with your liberality, and therefore to give unto him lands to the yearly value of 800*l.*, trusting thereby, and by such other good means as were used towards him, to encourage and move him to leave for ever that ambition, and seditious mind, and to live in such order as might have pleased God, and served your majesty, and your publick weal. But all this notwithstanding, the devil, who had before planted that vile and evil weed so deeply in his heart, that the root of the same could not be clearly pulled out, but caused his ambition eftsoons to spring, and shew itself more rankly than it had done before: For it plainly appeareth, that he tarried not long in his dissembled good mood and promise, but began afresh to imagine, compass and devise, for the satisfying of his traitorous desire, to make a party, faction, and confederation, whereof he would be the head, and did not only get as many rules and offices into his hands of all men, as he could possibly attain, and retained many gentlemen and yeomen into his service, making a full account and reckoning, which he declared secretly to some of his familiars, that he was thereby able, of his own ruled tenants and servants, to make ten thousand men for the obtaining of his said purpose; for whose wages he had also devised after 10,000*l.* by the month, out of your majesty's mint at Bristol, which he had obtained, with all your trea

sure in the same, by the means and consent of sir W. Sharington, knt., vice-treasurer there, to be at his commandment, which sir William now standeth attainted of Treason; and also had put your grace's castle of the Holt, whereof he had the keeping, even now of late in a readiness, and there caused to be prepared a great furniture of wheat, malt, beefs, and a great mass of money, for the feeding and entertainment of a number of men: which money he caused to be levied and taxed half the year before the same was due; bruiting also for the better atchieving of his purpose, and to amaze therewith the more the people, that your majesty (whom God long preserve to us) should be dead; but also he laboured sundry of your nobles, and other your grace's subjects, to join with him, devising with divers of them, how and by what policy, ways, and means they should make themselves strong in their countries for that purpose, and how they should win unto them the head yeomen, and ringleaders of the common people; declaring how he meant to have matched, and set one nobleman against another nobleman, as he thought he could never compass and win to assent to this faction and false conspiracy, promising to divers of them sundry benefits; yea, taking so much upon him, for the accomplishment of his said traitorous intent and purpose, as he spared not to promise your most excellent person in marriage to a nobleman's daughter of this your realm. And yet not contented herewith, for the further advancement of his most naughty and traitorous purpose, did traitorously and unnaturally practise even with your highness's own person, to make your most excellent majesty (for your tender years unable to understand his false and traitorous purposes) an instrument towards the undoing and destruction of your highness, and the subversion of the whole state of this your grace's realm: pursuing your majesty, as much as in him did lie, not only to take upon you, now in your young and tender age, the rule and order of yourself, intending and meaning by the colour thereof, to take in his hands your most royal person, the rules and orders of all the affairs of your realms and dominions; being already by the said Lord Protector, with the advice of your grace's most honourable council, as well prudently and politically governed, as valiantly and nobly defended against our outward enemies, to the increase of your immortal fame and honour; but also to receive and engender an hatred in your most noble heart, both against your dearest uncle the said Lord Protector, and all your true and faithful councellors: To the which his devilish persuasions and assaults, God gave your highness, even at this age, to the great rejoice of all us your faithful subjects and servants, a special grace to resist, above common reason and all expectation, and most graciously, without any advice or counsel, to refuse and deny his evil advertisements and persuasions. And further, the said Admiral did most falsly and traitorously corrupt sundry of your highness's privy-chamber with many gifts, and otherwise, to the intent they should move and procure your majesty to write sundry letters at his or their devices, and to put into your grace's head a special and singular favour, affection, and trust towards him, and a disposition to follow whatsoever he would have wrought towards all others, that he might the rather have compassed his most traitorous purpose, which must needs have tended to your majesty's destruction (which God forbid,) and to the utter ruin of all us, your highness's most loving, faithful, and obedient subjects. For most gracious sovereign lord, besides all this, it is most evident and apparent, that as immediately after the king your father's death, of most noble memory, he bare a special love and favour to your grace's sister the lady Elizabeth, second person in the remainder of the state of succession to the crown of this realm after your majesty, and the heirs of your body, whom the living God long preserve unto us, with the increase of much fruit; and would then of his great presumption and traiterous determination have married her, if he could by any means have brought to pass the same, but that he was stayed by the said Lord Protector, and other of your grace's Council; so he did not only continue in his said determination towards her, in the queen his late wife's time, but also by divers secret and crafty means and practices, continually sought by atchieving of the same since the queen's death, as by sundry ways is confessed, and appeareth. Insomuch as the same being perceived by your said dearest uncle, and some others beside of your Council, and other personages of reputation; and the said Admiral by them earnestly advised to beware of it, and to forbear his pretensed purpose, specially for that it could not be but dangerous to your grace's person, he hath not been afraid to defend his naughty doings and purposes in it, and to ask why he should not continue his suit towards the said lady Elizabeth? with sundry other words declaring his full intent and determinations to it; and neglecting all good advices, reasons, and admonitions made, given or alledged, contrary to his purpose, he hath secretly and earnestly followed it, in such sort, as if sundry other his mischievous devices and practices had not appeared, and come to knowledge, it is evident that he would have done what he could secretly to have married her, as he did the late queen, whom it may appear he married first, and after sued to your majesty, and the Lord Protector, and your Council, for his preferment to it: whom nevertheless it hath been credibly declared, he holped to her end to haste forwards his other purpose. But what this marriage of your said sister, with his prepared forces and confederacies should mean, and what the getting of the rule and order of your majesty's mint at Bristol into his hands with ten thousand men, which besides all his friends, and divers retainers, he accounted himself furnished of, and able to make all times within his own rules,

and of his own servants and tenants, should tend unto, for the wages and entertainments of whom he had prepared, as is aforesaid, considering that the said Admiral at all times, when occasion of the service of your majesty was necessary or requisite, went always back, and refused to take it upon him, whether it were by sea or land, as your grace's Council both know, and divers times have lamented, and in that case travelled with him (in vain) to bring him unto it, whereby no good mind or will of him toward your majesty's safety or assurance can appear. And upon all these sinister ways and means, what his corrupt and subtil attempts of getting your most noble person into his hands, by colour whereof he might have wrought what he would, and whatsoever his ambitious intent could have devised, with his preparation of victuals and money, and other his said doings at your grace's castle of the Holt, and in the parts thereabouts, would have wrought in the end, especially in this tender age of your highness, and whilst your majesty is in the government of a Protector, it is fearful to consider and think upon, and cannot otherwise be taken, but to be indeed more than a manifest declaration of a traitorous aspiring to your crown of this realm, and to be king of the same, and an open deed and act, and a false and traitorous compass and imagination to depose and deprive your majesty from your royal estate and title of your realms, and to compass and imagine the death of your most noble person, and most traitorously to take away and destroy all things which should have sounded to the lett and impediment of his most traitorous and ambitious enterprize.—And further, gracious sovereign lord, to declare the traitorous disposition of his nature, and how little he cared to offend your grace's law, and how he did yet less regard his truth and duty towards your grace, where sir Wm. Sharington, knight, late of London, the tenth day of July, in the first year of your grace's reign, hath in the county and city of Bristol, falsly and traitorously forged and counterfeited certain of your grace's coin, and further imbezzled and purloined from your majesty, untruly and falsly at the least, the sum of 40,000*l.*; for part whereof the same sir W. Sharington upon his own confession is attainted of treason according to your grace's laws; to which said traitorous acts the said Lord Admiral did not only abet and procure the said sir W. Sharington, labouring him he should get as much money from time to time into his hands for his purpose as he could, so that he might ever have a good mass in a readiness; but also since the time of the said treasons and traitorous acts, so done by the said sir W. Sharington, the said Lord Admiral having perfect knowledge thereof, as well by the declaration of the most part of your highness's Council, as by some of his own counsel learned, hath traitorously comforted, aided, assisted, and maintained the same sir W. Sharington in his said traitorous acts and faults against your grace's law and statutes of this realm; taking the patent, indentures, books and reckonings of the same sir W. Sharington, of his own authority, into his custody, and affirming both to sundry of your grace's council, and to divers of your subjects, that the said Sharington had wrong to be committed; devising all the ways he could possible, contrary to his duty and allegiance, traitorously to bear him in his evil and traitorous doings, and to deliver him, if he by any means might have come by him.—And for a further proof to induce, that the said Admiral did maintain and comfort the same Sharington, where the said Admiral owed to the said Sharington 2,800*l.* the said Sharington upon a mistrust which he had before his apprehension, that he should for his fault and proceedings come one day to his trial and examination, communicating the same with the said Lord Admiral, and the said Admiral agreed and promised not only to aid and maintain and bear him to the uttermost of his power, as indeed he did both as is aforesaid, and in consulting with learned men for him, and otherwise, but also for his more assured aid, being indebted to the said Sharington the sum of 2,800*l.* untruly conspired with the said Sharington upon a bill, whereby it appeared that the said Sharington should owe unto him the sum of 3,000*l.* with interest, so as the said Admiral might help and relieve him with that 2,000*l.* with the interest at your majesty's hand, as a debt unto himself; and also with 2,800*l.* which the said Admiral owed indeed to the said Sharington, amounting in the whole to 5,600*l.* which bill most untruly, and to the maintenance and favour of the said Sharington, the said Lord Admiral affirmed before the said Lord Protector, and your highness's Council, to be a true bill, and the same 2,800*l.* with the interest, to be his just debt, and so was taken, until the said Sharington himself confessed and affirmed the truth, whereby the covin and falshood plainly appeared to the contrary.—Finally, most gracious sovereign lord, it were too much and over tedious to molest and trouble your excellent majesty, either with the remembrance of his evil doings in his office of the Admiralty, wherein he hath so manifestly recited, maintained, aided and comforted sundry pirates, and taken to his own use the goods piratously taken against your laws, and expressly against the orders determined by the Lord Protector and the whole Council, whereunto his own hand hath been for the restitution of them; whereby he hath moved almost all princes Christian to conceive a grudge and displeasure, and by open wars to seek remedies at their own hands, to the great trouble and danger of your majesty, your realms and dominions, and to the great charge, loss and disquiet of your most loving and faithful subjects, and to the peril of breaking of the leagues and treaties of amity betwixt your majesty and other foreign princes, as their ambassadors here have plainly declared, and as present experience teacheth; or to express his innumerable untruths, falshoods, and deceitful practices, discovering and opening of your ma-

jesty's counsels, refusal to serve your highness as he hath been commanded, oppression and manifest extortion of your majesty's subjects, using Island and other voyages by the sea; and his determination of revenge towards all men with whom he was offended, which his own letters and other testimonies do declare against him; with a full resolution to have put the whole of his intent shortly in experience and execution (if God had not prevented it), to the destruction of your most royal person, and the subversion and alteration of the whole estate of your realms and dominions. Wherefore considering as well that he is a member so unnatural, unkind and corrupt, and such a heinous offender of your majesty and your laws, as he cannot, nor may conveniently be suffered to remain in the body of your grace's commonwealth, but to the extream danger of your highness, being head, and of all the good members of the same, and is too pernicious and dangerous an example, that such a person so much bound and so forgetful of it, so mercifully heretofore intreated, and by sundry and great benefits allured and called, and so cruelly and ingrately continuing in his false and traitorous intents and purposes against your highness, and the whole estate of your realm, should remain amongst us:—'It may therefore please your excellent majesty, that it may be enacted with your highness's assent, the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That the said sir Thomas Seymour, knt. lord Seymour of Sudley, High Admiral of England, for the said traitorous offences and deeds, shall be by the authority of this present parliament adjudged and attainted of treason: and that the same sir Thomas Seymour, knt. lord Seymour of Sudley, High Admiral of England, shall have, suffer, and sustain such pains of death, as in cases of High Treason have been used and accustomed. And also, that the said lord Seymour of Sudley shall forfeit and lose to your majesty, and your heirs, all such castles, manors, lands, tenements, leases, meadows, pastures, woods, waters, rents, reversions, services, offices, fees, annuities, and all other hereditaments, goods, chattels and debts whatsoever, the same lord Seymour had, enjoyed, or was seized or possessed of at the seventeenth day of January, in the second year of your grace's reign, or at any time since.—And that all such castles, manors, lands, tenements, meadows, leases, pastures, woods, waters, rents, reversions, services, offices, fees, annuities, and other hereditaments, to be by authority of this present act adjudged, vested, and deemed in the actual and real possession of your highness, from the said 17th of January, without any office or inquisition to be thereof had or found. Saving to all and every person and persons, and bodies politick and corporate, and to their heirs, assigns, and successors, and to every of them (other than the said lord Seymour of Sudley, and his heirs) all such rights, titles, interests, uses, possessions, reversions, remainders, entries, conditions, leases, fees, offices, rents-services, rents-charges, rents-seck, annuities, commons, and all other commodities, profits, and hereditaments whatsoever, they or any of them had, might, or ought to have had, if this present act had never been had or made.—Furthermore, the king's majesty is pleased that it be enacted, That all person and persons, bodies politick and corporate, and their executors and administrators, shall be well and truly contented and paid, upon their humble suit and petition hereafter to be made unto his highness of all such debts, which either by specialty, or by any other just and true contract, the said Lord Admiral did owe to them, or any of them, at any time before the said 17th day of January, in the said second year of his majesty's reign *(a)*.'"

On the 10th of March, the Council resolved to press the king that justice might be done on the Admiral: and since the case was so heavy and lamentable to the Protector *(b)*, (so it is in the Council-Book) though it was also sorrowful to them all, they resolved to proceed in it, so that neither the king, nor he, should be further troubled with it; after dinner they went to the king, the Protector being with them: the king said he had well observed their proceeding, and thanked them for their great care of his safety, and commanded them to proceed in it without further molesting him or the Protector; and ended, 'I pray you, my lords, do so.' Upon this they ordered the bishop of Ely to go to the Admiral, and to instruct him in the things that related to another life, and to prepare him to take patiently his execution; and on the 17th of March, he having made report to them of his attendance on the Admiral, the Council signed a Warrant for his execution, viz.

The Warrant for the Admiral's Execution (c).

"This day, the 17th of March, the Lord Chancellor and the rest of the king's Council, meeting in his highness's Palace of Westminster,

(a) But in the 3rd and 4th of Edw. 6, there passed an Act for restitution in blood of Mary Seymour, daughter to sir Thomas Seymour, knt. lord Seymour of Sudley, late Admiral of England. See 1 Rastal, 996.

(b) "It appears by the Journals, that the duke of Somerset, as Protector, sat in the house of lords every day, whilst the Bill of Attainder against his own brother was depending; and no doubt voted in this case of blood. From whence we may infer, that the prosecution was but too pleasing to him: since he might have been well excused from such an attendance on the fate of so near a relation, as well as signing a warrant for his execution. On the 20th of March, the Admiral was beheaded; but it was amply returned upon the Protector in a short space after; and, as Grafton observes, 'the fall of one brother proved the overthrow of the other.'" 1 Cobb. Parl. Hist. 580. 2 Strype's Memorials, 128.

(c) Ex Libro Concilii, fol. 247.

heard the report of the bishop of Ely, who by the said lords, and others of the council, was sent to instruct and comfort the Lord Admiral; after the hearing whereof, consulting and deliberating with themselves of the time most convenient for the execution of the said Lord Admiral, now attainted and condemned by the parliament, they did condescend and agree, That the said Lord Admiral should be executed the Wednesday next following, betwixt the hours of nine and twelve in the forenoon the same day, upon Tower-Hill: his body and head to be buried within the Tower; the king's writ (as in such cases as heretofore hath been accustomed) being first directed and sent forth for that purpose and effect. Whereupon calling to the council-chamber the bishop of Ely, they willed him to declare this their determination to the said Lord Admiral; and to instruct and teach him, the best he could, to the quiet and patient suffering of justice, and to prepare himself to Almighty God. (Signed) E. Somerset, T. Cantuarien. R. Rich, Cancel. W. St. John, J. Russel, J. Warwick, F. Shrewsbury, Thomas Southampton, Wm. Paget, Anthony Wingfield, Wm. Petre, A. Denny, Edward North, R. Sadler."

The said bishop, after he had been with the Lord Admiral, repairing again to the court, made report to Mr. Comptroller and Secretary Smith of the Lord Admiral's requests, *(c)* the which were, that he required Mr. Latimer to come to him, the day of execution to be deferred, certain of his servants to be with him, his daughter to be with my lady duchess of Suffolk to be brought up, and such like. Touching which requests, the said lords and the rest of the council declared their minds to Mr. Secretary Smith, willing him to write their answer in a Letter to the lieutenant of the Tower, who should shew in all those requests their resolute answer to the said Lord Admiral: which was done accordingly.

On the 20th of March he was brought to the scaffold.

Hugh Latimer's Sermon on the Death of the Lord Admiral.

And in the fourth Sermon of 'Mayster Hughe Latymer, *(c)* whych he preached before the kynge wythin hys graces palayce at Westminster, the 29th day of Marche,' is the following Account of the Lord Admiral *(d)*:

"I knowe more of my Lord Admiral's death sith that tyme, then I did knowe before. O saye they, the man dyed very boldly, he woulde not have done so, hadde he not bene in a just quarell. This is no good argument, my frendes. A man semeth not to feare death, therefore hys cause is good. Thys is a deceavable argumente. He went to hys death boldely: ergo, he standeth in a just quarell.—If I should have saied al that I knewe, your ears woulde have yrked to have hearde it, and nowe God hathe brought more to lyghte. And as touchyng the kynde of hys death, whether he be saved or no, I referre that to God onely. What God can do, I can not tell. I wyl not denye but that he maye in the twynkeling of an eye save a man, and turne hys harte. What he dyd, I cannot tell. And when a man hathe two strokes wyth an axe, whoo can tel that betwene two strokes he doth repent. It is very hard to judge; well, I wyl not go so nye to worke, but this I wyl say, if they aske me what I thinke of hys deathe, that he dyed very daungerously, yrkesomelye, horryblye.—The man beyng in the Tower, wrote certayne papers, whiche I sawe my selfe. Thei were two lyttle ones, one to my ladye Marye's grace, and another to my ladye Elizabethe's grace, tendynge to thys ende, that they shoulde conspyre agaynst my Lord Protectour's grace.—Surely so seditiously as could be. Nowe what a kind of Death was thys, that when he was readye to laye his head upon the blocke, he turnes me to the Levetenantes servaunte and sayeth, 'byd my servaunte spede the thyng that he wottes of:' wel, the worde was over-heard. Hys servaunt confessed these two Papers, and they were found in a shooe of hys. They were so sowen between the soules of a velved shoge. He made hys ynke so craftely, and wyth such workmanship, as the lyke hath not bene sene.—I was prisoner in the Touer miselfe, and I coulde never invente to make ynke so. It is a wonder to hear of his subtilitie. He made hys pen of the aglet of a poynte that he plucked from hys hose, and thus wrote these Letters soo seditiouslye, as ye have hearde, enforsynge many matters agaynst my Lord Protectour's grace, and so fourth. God had lefte him to hymselfe, he hadde cleane forsaken hym. What woulde he have done if he had lived styll? that went about thys geare, when he layed hys head on the blocke at the ende of hys lyfe. Charity (they saye) worketh but godly, not after thys sorte. Well, he is gone, he knoweth hys fate by thys, he is eyther in joy or in payne. There is no repentance after thys lyfe, but if he dye in the state of damnacion, he shall ryse in the same. Yea, thoughe he have a whole monkerye to synge

(c) Wilson in his translation of M. De Thou's History of his Own Time, vol. 1. p. 272, says, "The duke of Somerset, the Protector, had conceived a jealousy, which was fomented by the emulation of the women, of his brother Thomas the Admiral, who had married Catharine Parr, the late king Henry's widow; and had ordered him to be committed to prison, on suspicion of aiming at the crown: and as it is the temper of that nation to be overhasty and preposterously severe in matters which relate to the Commonwealth, after he had him put to the rack, he at last, by the suggestion of Hugh Latimer, procured him to be condemned to death; and on the 20th of March to be beheaded."

(d) This is only to be found in the first Edition of Latimer's Sermons in a small thick octayo, for the later Editions are all castrated.

for hym, he shall have hys fynal sentence when he dyeth.—And that servant of hys that confesseth and uttered hys gere, was an honest manne. He dyed honestlye in it. God put it in his herte. And as for the tother, whether he be saved or no, I leave it to God. But surelye, he was a wycked man, the realme is well rydde of hym.—It hath a treasure, that he is gone, he knoweth hys fare by thys. A terrible example surelye, and to be noted of every man; nowe before he shoulde dye, I heard say he had commendations to the kyng, and spake many wordes of his majestye. All is the kinge, the kinge. Yea, *Bona verba.* These were fayre wordes, 'the kynge, the kynge.' It hath been the the cast of all traitours to pretend nothing against the kynge's person, they never pretend the matter to the kynge, but to other. Subjects maye not resyste anye magistrates, nor oughte to do nothinge contrarye to the kinge's lawes. And therefore these wordes, 'the kynge,' and so fourth, are of small effect. I have hearde muche wickednes of thys manne, and I have thought oft, Jesu, what wyl worth, what wyl be the ende of thys manne? Among others (that went to execution) I heard of a wanton woman, a naughtye lyer, a whore, a vayne bodye: and was ledde from Newgate to the place of execution, for a certain robberye that she had committed, and she hadde a wycked communication by the waye. This woman, I saye, as she went by the waye, had wanton and folyshe talke, as thys: that yf good fellowes hadde kept touch wyth hyr, she hadde not been at thys time in that case; and amongste al other talke, she saied, that such a one, and named this manne, had hyr maidenhead fyrste; and heryinge thys of hym at that tyme, I loked ever what woulde be hys ende, what woulde become of hym.—He was a manne the fardest frome the feare of God that ever I knewe or herade of in Englande. Fyrste he was author of all thys woman's whoredome. For if he had not had hyr maydenhead, she myghte have been maryed, and become an honeste womanne; whereas nowe beying nought with hym, shee fell afterwarde by that occasion to other: and they that were nought wyth hyr fel to robbery, and she folowed; and thus was he author of all thys. This geare came bi sequels, peradventure thys maye seeme to be a lyghte matter, but surelye it is a great matter: and he, by unrepentance, fel frome evyl to worse, and from worse to worste of all, tyll at the length he was made a spectacle to all the worlde. I have hearde saye, he was of the opinion that he believed not the immortalytye of the soule, that he was not ryghte in the matter. And it mighte well appear by the takynge of hys death.—But ye will say, What ye sclaunder, ye breake charitye.—Nay, it is charitie that I do, we canne have no better use of hym nowe, than to warne others to beware by hym.—Christ saith, 'Remember Lotte's Wife!' she was a woman that would not be content with her good state, but wresteled wyth God's callinge; and she was for that cause turned into a salt stone, &c. Thus may thys man be an example to us. Let us all subjects judge well of our magistrates in suche matters, and be content wyth theyr doings, and loke not to be of the Counsaile.—And thus toke I occasion to speake of him, and to profit you thereby, and I beseech you so to take it, he may be a good warnyng to us, and this is the best use that wee can have of him now."

In his fifth Sermon he saieth, "You will saye this, the parliament house are wiser than I am; you might leave them to the defence of themselves: although the men of the parliament house can defende themselves, yet have I spoken thys of a good zeale, and a good ground of the Admiralle's wrytinge: I have not fayned, nor lyed one jote. I will nowe leave the honourable counsayle to answer for themselves. He confessed one fact, he would have hadde the governaunce of the king's majesty, and wot ye whye? He sayed, he would not in his minoritie have him brought up lyke a warde. I am sure he hath been brought up so godly, with such schole-masters, as never king was in Englande, &c."

And in his seventh Sermon he saieth thus: "I have heard say, when that good quene (meaning queen Catherine) that is gone, had ordained in her house dayly prayer both before none and after none, the Admyral gettes hym out of the waye, lyke a moule diggying in the earth. He shal be Lotte's Wyfe to me as long as I lyve. He was a covetous man, an horrible covetous manne; I woulde there were no mo in England: he was an ambicious man; I woulde there were no mo in Englande: he was a sedicious man, a contemnar of Commune Prayer, I would there were no mo in England: he is gone, I wolde he had lefte none behind him. Remember you, my lordes, that you pray in your houses, to the better mortification of your fleshe."

41. Proceedings in Parliament against Edward, Duke of Somerset, Lord Protector, for Misdemeanours and High Treason: 3 Edw. VI. A. D. 1550. [2 Burnett's Reform. 183. 2 Fox's Acts and Mon. 748. 1 Cobb. Parl. Hist. 592.]

THE duke of Somerset having taken the part of the common people against the nobility in the business of Inclosures, made himself many enemies. He had also given great grounds of jealousy by entertaining foreign troops in the king's service; and the noble palace he was raising in the Strand out of the ruins of some bishops houses and churches, drew as publick an envy on him as any thing he had done: And his acting by his own authority, without asking the advice of the Council, and often against it, was assuming a regal power, and seemed not to be endured by those who thought they were in all points his equals. Thus, all September, there were great heats between the lords and him. The king was then at Hampton-court, where the Protector also was, with some of his retinue and servants about him, which increased the jealousies: for it was given out, he intended to carry away the king. On the 6th of Oct. some of the council met, and sent to the lord mayor and aldermen of London to obey no letters from the Protector, and wrote to the nobility to inform them how they were proceeding. The Protector hearing of these things, removed the king to Windsor in all haste, and armed such as he could gather for his preservation: whereupon several Letters passed between the Council at London, and those at Windsor *(a)*: and at last a Proclamation was published against the Protector to the following effect:

"1. That the Protector, by his malicious and evil Government, was the occasion of all the sedition that of late happened within the realm. 2. The loss of the king's Pieces in France. 3. That he was ambitious and sought his own glory, as appeared by building of sumptuous and costly houses in the time of the king's wars. 4. That he esteemed nothing the grave counsel of the councillors. 5. That he sowed division between the nobles, the gentlemen, and the commons. 6. That the nobles assembled themselves together at London, for none other purpose but to have caused the Protector to have lived within limits, and to have put such order for the surety of the king's majesty as appertained: whatsoever the Protector's doings were, which they said were unnatural, ungrate, and traitorous. 7. That the Protector slandered the Council to the king, and did what in him lay to cause variance between the king and the nobles. 8. That he was a great Traitor *(b)*, and therefore the lords desired the city and commons to aid them to take him from the king." This was signed by the lord Rich, lord chancellor; the lord St. John, president of the council; the marquis of Northampton; the earl of Warwick, great chamberlain; and most of the council. On the 12th of Oct. the whole council went to Windsor, and coming to the king, they protested, that all they had done was only out of zeal and affection to his person and service. The king received them very kindly, and thanked them for their care of him. On the 13th they sat in council, and sent for those who were ordered to be kept in their chambers, only Cecil (afterwards the famous lord Burleigh) was let go; and, in the end, the Lord Protector was commanded from the king's presence, and committed to ward in a Tower within the castle of Windsor, called Beauchamp Tower: and the next day, being the 14th, they brought from thence the Protector, and conveyed him to the Tower of London. Some time after, the lords resorted to the Tower, and there charged the Protector with the following Articles of Misdemeanour and High Treason *(c)*.

Articles *objected to the Duke of Somerset.*

"1. That he took upon him the office of Protector, upon express condition, that he should do nothing in the king's affairs, but by assent of the late king's executors, or the greatest part of them. 2. That contrary to this condition, he did hinder justice, and subvert laws of his own authority, as well by letters as by other command. 3. That he caused divers persons, arrested and imprisoned for treason, murder, man-slaughter, and felony, to be discharged, against the laws and statutes of the realm. 4. That he appointed lieutenants for armies, and other officers for the weighty affairs of the king, under his own writing and seal. 5. That he communed with ambassadors of other realms alone, of the weighty matters of the realm. 6. That he would taunt and reprove divers of the king's most honourable councillors, for declaring their Advice in the king's weighty affairs against his opinion; sometimes telling them, that they were not worthy

(a) See the Articles offered by the Protector, and the Letters that passed between the lords and the king, in 2 Burnet's Reformation, p. 183.

(b) This Proclamation, which had made him a Traitor, within three days was called in again, with commandment given none of them to be sold. 2 Fox's Book of Martyrs. 1217.

(c) Fox, and Hayward (in his Life of king Edward VI.) both say the duke was in the Tower a small time before the lords laid the Articles to his charge: but Burnet and Rapin say, the duke was called before the Council on the 14th, and that the Articles of his Accusation were then read to him.

to sit in council; and sometimes, that he need not to open weighty matters to them; and that if they were not agreeable to his opinion, he would discharge them. 7. That against law he held a Court of Request, in his own house; and did enforce divers to answer there for their freehold and goods, and did determine of the same. 8. That being no officer, without the advice of the Council, or most part of them, he did dispose offices of the king's gift for money; grant leases and wards, and presentations of benefices pertaining to the king; gave bishopricks, and made sales of the king's lands. 9. That he commanded alchimy and multiplication to be practised, thereby to abase the king's coin. 10. That divers times he openly said, that the nobility and gentry were the only cause of death; whereupon the people rose to reform matters of themselves. 11. That against the mind of the whole Council, he caused proclamation to be made concerning Inclosures; whereupon the people made divers insurrections, and destroyed many of the king's subjects. 12. That he sent forth a Commission, with Articles annexed, concerning inclosures, commons, highways, cottages, and such like matters, giving the commissioners authority to hear and determine those causes, whereby the laws and statutes of the realm were subverted, and much rebellion raised. 13. That he suffered rebels to assemble and lie armed in camp, against the nobility and gentry of the realm, without speedy repressing of them. 14. That he did comfort and encourage divers rebels, by giving them money, and by promising them fees, rewards, and services. 15. That he caused a Proclamation to be made against law, and in favour of the rebels, that none of them should be vexed or sued by any for their offences in their rebellion. 16. That in time of rebellion, he said, that he liked well the actions of the rebels; and that the avarice of gentlemen gave occasion for the people to rise; and that it was better for them to die, than to perish for want. 17. That he said, the lords of the parliament were loth to reform inclosures and other things, therefore the people had a good cause to reform them themselves. 18. That after declaration of the defaults of Bulloign, and the pieces there, by such as did survey them, he would never amend the same. 19. That he would not suffer the king's pieces of Newhaven, and Blackness, to be furnished with men and provision; albeit he was advertised of the defaults, and advised thereto by the king's council; whereby the French king was emboldened to attempt upon them. 20. That he would neither give authority, nor suffer noblemen and gentlemen to suppress rebels in time convenient; but wrote to them to speak the rebels fair, and use them gently. 21. That upon the 5th of Oct. the present year, at Hampton-Court, for defence of his own private causes, he procured seditious Bills to be written in counterfeit hands, and secretly to be dispersed into divers parts of the realm; beginning thus: 'Good People;' intending thereby to raise the king's subjects to rebellion and open war. 22. That the king's privy council did consult at London to come to him, and move him to reform his government; but he hearing of their assembly, declared, by his letters in divers places, that they were high traitors to the king. 23. That he declared untruly, as well to the king as to the other young lords attending his person, that the lords at London intended to destroy the king; and desired the king never to forget, but to revenge it; and he desired the young lords to put the king in remembrance thereof; with intent to make sedition and discord betweeen the king and his nobles. 24. That at divers times and places, he said, 'the lords of the council at London intended to kill me; but if I die, the king shall die: and if they famish me, they shall famish him.' 25. That of his own head he removed the king so suddenly from Hampton-Court to Windsor, without any provisions there made, that he was thereby not only in great fear, but cast thereby into a dangerous disease. 26. That by his Letters he caused the king's people to assemble in great numbers in armour, after the manner of war, to his aid and defence. 27. That he caused his servants and friends at Hampton-Court and Windsor, to be apparelled in the king's armour, when the king's servants and guards went unarmed. 28. That he caused at Windsor his own person in the night-time to be guarded in harness by many persons, leaving the king's majesty's person unguarded; and would not suffer his own guard and servants to be next the king's person, but appointed his servants and friends to keep the gates. *(d)* 29. That he intended to fly to Jersey or Wales, and laid post-hores and men, and a boat, to that purpose." *(e)*

After he had read and considered the above Articles he sent the underwritten Submission to the Lords:

Edward Duke of Somerset's first Submission.

"I Edward, duke of Somerset, have read and considered these saide 29 Articles before specified, and do acknowledge my said offences, faults, and crimes, doone and conteined in the same, and most humblie prostrate on my knees, do fullie and wholie submit myselfe to the most aboundant mercy and clemencie of the king's majestie, for the moderation of my saide of-

(d) This Article is in Stowe's Chronicle, but omitted in Hayward's Life of Edw. 6, and Burnet's Reformation.

(e) "Upon these accusations, to which it was then no time to answer, he was sent to the Tower; those whom he had taken so much pains to humble being become his proper Judges. He could not deny that most of the facts laid to his charge were true. But the question was, Whether they were crimes? for he was accused neither of fraud nor of rapine, nor of extortion. But that was to be decided only by the peers of the realm, or by the parliament." 8 Rapin, 72.

fences; having my full trust and confidence, that his majestie, with the advice of his highnesse most honourable counsaile, will consider mine offences, faultes, wordes and proceedings, that if anie of my saide offences be by his clemencie pardoned, remitted, or otherwise discharged, that I maie enjoye the benefite thereof, although the same become unknowne. And farther, I do most humblie beseech all my lordes, and other his majesties most honourable counsayle, not onlie to be meanes to his majestie, to take awaie and consider mine offences to have proceeded more of ignorance, negligence, follie, wilfulnes, and for lacke of good consideration, than of anie kankerd or malicious hart, evil intent or thought, tending to anie treason to his majestie or realm: but that it may please his majestie, by the charitable advise of their good lordships, to have pity upon mee, my wife and children, and to take some mercifull waie with me, not according to the extremity of his lawes, but after his great goodness and clemencie, whereunto whatsoever it shall bee, I doe most humblie with all my hart submit myselfe. Written with mine owne hande the 23rd day of December (Burnet says the 13th) in the 3rd yeere of our soveraigne lord king Edward the sixth."

However, on the 2nd of January, a Bill was put in against the duke of Somerset of the Articles before-mentioned, with the above Confession. This he was prevailed with to do, upon assurance given, that he should be gently dealt with, if he would truly confess and submit himself to the king's mercy. But some of the lords said, they did not know whether that Confession was not drawn from him by force: and that it might be an ill precedent to pass Acts upon such papers, without examining the party, whether he had subscribed them freely and uncompelled: whereupon a committee was appointed of four temporal lords and four spiritual, who were sent to examine him concerning it. The day following the bishop of Coventry and Litchfield made the Report: That he thanked them for their kind Message, but that he had freely subscribed the Confession *(f)* that lay before them. He made it on his knees before the king and council, and signed it: and he protested his offences had flowed from rashness and indiscretion rather than malice; and that he had no treasonable design against the king or his realm. So both houses soon passed the Bill against him, and he was fined, by an act of parliament, intitled, 'An Act touching the Fine and Ransome of the duke of Somerset;' that is, for the punishment of his late Misdemeanors, whereby he was fined 2000*l.* a year of land, and lost all his goods and offices.' Upon this, he sent another Submission.

The second Submission of Edward Duke of Somerset, Prisoner in the Tower.

"I am most fearefull and full of heavinesse, my verie good lordes, to understande that my last letter was no better accepted at your lordships handes, to whom I am bounde during my life, for your most gentle and mercifull dealinge with me, that it pleased your goodnesse to bring my case to a fine. I truste your lordshipes never think that ever I did, or woulde intende, to stand against the king's majestie and youre lordshipes goodnes, or that I woulde goe about to justifie my cause, seeing his majestie and your lordshipes offereth clemencie, mercie, and pardon. Although the fine be to me importable, yet I doe commit myself wholie to his highnesse and your lordships mercies; I pray onlie the moderation of it, and did covet to declare to youre goodnesse mine inabilitie to beare it: And yet referred all to his majestie, and your wisdome, goodnesse, and discretion. And I most humblie desire your lordshipes not to think that I was about to contende with your lordshipes, when I did speake of my conscience, I might erre, in that I thought I did for the best, as I doe acknowledge and confesse, that neither I am the wisest man in the worlde, nor yet if I were, I shoulde not escape without a most singular grace, but manie times I shoulde offende: But I leave all that, and most humblie, simplie, wholie, and lowlie, I submit my selfe to the king's majestie and to your good lordshipes; appealing from the rigour and extremitie of his majestie's lawes, to his majesty's great mercie and clemencie; praying your goodness to bee meanes to his majestie, not to bee offended with mee, nor to exclude his majestie's mercie and benignitie from me, for my rudeness and lack of

(f) "Many thought his Confession a very strange thing, and aggravated the abjectness of such a behaviour. But it was doubtless because they would have been glad he should have taken another course, which would not have failed to prove fatal to him. It is certain, that among the Articles of his Accusation, there were several which could be justified only by the intention, which could scarce have served his turn in the house of peers: the major part of whom were not inclined to favour him. For instance, to mention only the chief Article; could he deny that, 'contrary to the condition on which he was made Protector, he had degraded, as it were, the other regents, and reduced them to the state of bare counsellors?' It is true, he might have alledged the king's patent. But it was the patent of a minor king, between ten and eleven years old only, who looking upon him as his governor, did every thing by his advice; wherefore the duke could never have cleared himself upon this Article, any more than upon several others. Consequently his only remedy was to own himself guilty of all, and to cast himself upon the king's mercy. Besides, it concerned him highly to get out of prison if it was possible on any terms, since it was dangerous for him to continue any longer in the hands of his enemies." 8 Rapin, 76.

discretion, but to accept my good minde as one that faine woulde doo that were well. And when I cannot or have not doone that things I ought to do, I would gladlie amende, and am readie at all times without condition to doo and suffer willinglie that thing that your honours will appoint mee, accepting what clemencie or mercie soever I obtayne to be of his majestie's and your goodnesse. Most humbly on my knees praying his majestie and your good lordships to pardone mine offences, and to order me for them, as to his moste high mercifull clemencie shall appeere convenient. And finallie flying from extremitie of justice, desire mercie, as you bee, and are called, most mercifull counsellors, not imputing my writings and doings hitherto as of stoutenesse or stubbornesse, but onlie for lack of discretion and wisdome. For the which once again I require pardon and favor to be shewed, and if it pleased your good lordshipes to heare me, I trust you should find me lowly unto your honors, and so conformable unto your lordships orders, that I trust to make amends, and obtaine pardon for my former folly. And thus I most humblie commit your good lordships to Almighty God, to whom I shall alwaies pray that ye maie long continue in honor. From the Tower, the 2d of Februarie."

He came out of the Tower on the 6th of February, giving bond of 10,000*l.* for his good behaviour, but limited that he should stay at the king's house at Sheen, or his own at Sion, and should not go four miles from them, nor come to the king or council, unless he was called; and when he knew that the king was to come within four miles of these houses, he was to withdraw from them.

On the 16th he had his Pardon, and carried himself so well, that on the 18th of April following he went by invitation to court, to the king's majesty at Greenwich: where he was honourably received by the king and his council, and dined with the king, and was sworn of the privy-council: and the king of his special favour, and at the humble petition of the council, by patent dated June the 4th, gave him back almost all his estate that was forfeited.

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42. Proceedings against Edward Duke of Somerset, for High Treason and Felony, at Westminster: 5 Edward VI. A. D. 1551. [2 Burnett's Reform. 181. 2 Fox's Acts and Monum. 1217. 1 Cobb. Parl. Hist. 589.]

The duke of Somerset had such access to the king, and such freedoms with him (notwithstanding the late Judgment against him), that the earl of Warwick had a mind to get rid of him. The duke seemed also in April this year to have got the king again in his power, and dealt with the lord Strange to persuade the king to marry his daughter Jane; and that he would advertise him of all that passed about the king. The earl of Warwick had got himself created duke of Northumberland; and for several of his friends he procured a creation of new honours. The new duke of Northumberland could no longer bear such a rival in greatness as the duke of Somerset was, who was the only person that he thought could take the king out of his hands: so a design being laid to destroy him, he was apprehended on the 17th of October, and sent to the Tower, and with him the lord Gray, sir Ralph Vane, sir Tho. Palmer, sir Tho. Arundell, were also taken, and some of his followers, Hamond, Newdigate, and two of the Seymours, and were sent to prison. The day after, the dutchess of Somerset was also sent to the Tower, with one Crane and his wife, and two of her chamber-women: after these, sir Tho. Holdcroft, sir Miles Patridge, sir Michael Stanhope, Wingfield, Bannister, and Vaughan, were all made prisoners,

But sir Thomas Palmer though imprisoned with him as an accomplice, was the person that ruined him. The Evidence against the duke was chiefly sir Thomas Palmer's Information; who being brought by the duke of Northumberland privately to the king, related the whole conspiracy.

Sir Thomas Palmer's Examination.

He declared, That upon St. George's-Day last, before the duke of Somerset being upon a journey towards the north, in case sir Wm. Herbert, master of the horse, had not assured him that he should receive no harm, would have raised the people: and that he had sent the lord Gray before to know who would be his friends: also that the duke of Northumberland, the marquis of Northampton, the earl of Pembroke, and other lords, should be invited to a banquet; and if they came with a bare company, to be set upon by the way; if strongly, their heads should have been cut off at the place of their feasting. He declared farther, that sir Ralph Vane had 2000 men in readiness: that sir Thomas Arundel had assured the Tower, that Patridge should raise London, and take the Great Seal; that Seymour and Hamond would wait upon him, and that all the horse of the gendarmerie should be slain.

The earl of Rutland did affirm, that he had made a party for getting himself declared Protector in the next parliament.

The above-mentioned particulars were told the king, with such circumstances, that he was induced to believe them, and resolved to leave him to the law.

Sir Thomas Palmer's Second Examination.

That the gendarmerie, upon the muster-day, should be assaulted by 2,000 men, under sir Ralph Vane, and by an hundred horses of the duke of Somerset's, besides his friends, which should stand by, and besides the idle people, which were thought inclinable to take his part. That this done, he would run through the city and proclaim, 'Liberty, liberty,' to raise the Apprentices, &c. And in case his attempt did not succeed, he would go to the Isle of Wight or to Poole.

Crane's Examination.

He confessed all that Palmer had said; to which he added, That the lord Paget's house was the place, where the nobility being invited to a banquet, should have lost their heads: and that the earl of Arundel was made acquainted with the Conspiracy by sir Michael Stanhope, who was a messenger between them: and that the thing had been done, but that the greatness of the enterprize caused delays, and some diversity of advice. And further, that the duke of Somerset once, feigning himself sick, went to London to see what friends he could procure.

Hamond's Examination.

He confessed that the duke of Somerset's chamber at Greenwich had been strongly guarded in the night by many armed men.

All these were sworn before the council, and the greatest part of the nobility, that their confessions were true; and they did say, that what was sworn was without any kind of compulsion, force, or envy, or displeasure, but as favourable to the duke as they could swear to with safe consciences.

Lord Strange's Examination.

He voluntarily informed how the duke desired him to move the king to take to wife his third daughter the lady Jane; and that he would be his spy about the king, to advertise him when any of the council spake privately with him, and to acquaint him what they said.

Hereupon the lord chancellor openly declared in the Starr Chamber these Accusations against the duke of Somerset; and on the 22d of Oct. with much shew and ceremony, were all the crafts and corporations of London commanded to repair to their Halls, and there it was shewed them, That the duke of Somerset would have taken the Tower, seized on the broad-seal, and have destroyed the city, and then to have gone to the Isle of Wight. After this Declaration, they were charged each corporation to ward every gate in London, and to have a walking watch through the city. Towards the latter end of Nov. a Letter was sent to the lord chancellor, to cause a sufficient Commission to be made, and sealed with the great seal of England, of Oyer and Terminer, to the lord marquis of Winchester, that he may thereby be the king's seneschal, *hac unica vice tantum*, for the hearing and determining of the treasons and felonies of the duke of Somerset, giving the date of the said commission the 28th of Nov.; and the 1st of Dec. was ordered for his trial.

Dec. 1. The duke of Somerset came to his Trial at Westminster-Hall. The lord treasurer sat as high-steward of England, under the cloth of state, on a bench between two posts, three degrees high. All the lords to the number of twenty-seven, viz. Dukes; Suffolk, Northumberland.—Marquis Northampton.—Earls; Derby, Bedford, Huntington, Rutland, Bath, Sussex, Worcester, Pembroke.—Viscount Hereford.—Barons; Burgaveny, Audley, Wharton, Evers, Latimer, Bourough, Zouch, Stafford, Wentworth, Darcy, Sturton, Windsor, Cromwell, Cobham, Bray. These sat a degree under, and heard the matter debated.

The Crimes laid against him were cast into five several Indictments, as king Edward 6 has it in his Journal; but the Record mentions only three, whether Indictments or Articles, is not so clear. 1. "That he had designed to have seized on the king's person, and so have governed all affairs. 2. That he, with 100 others, intended to have imprisoned the earl of Warwick, afterwards duke of Northumberland. And 3. That he had designed to have raised an Insurrection in the city of London." But the Indictment which here follows, is only for designing to seize on and imprison the duke of Northumberland.

"London' ss.

"Inquisitio capt' fuit apud Guihald' Civitat' London die Sabbathi, videlicet vicesimo primo die Novembris, anno regni domini Edwardi nuper Regis Anglie sexti, quinto, coram Richardo Dobbes tunc Majore Civitat' London, ac aliis Justiciariis, & Commissioniariis per sacramentum duodecim, &c. qui dixerunt super sacramentum suum, quod Edwardus dux Somers' nuper de Sion in Comitat' Middlesex' Deum pre oculis suis non habens, sed instigatione Diabolica seduct' & debit', legiantie sue minime ponderans, apud Holborne, in parochia sancta Andree infra civit' London, vicesimo die Aprilis anno regni dicti nuper Regis Edwardi sexti quinto supradicto, & diversis diebus & vicibus antea & postea false, malitiose, & proditorie, per apertum factum circumivit, compassavit, & immaginavit, cum diversis aliis personis predictum nuper Regem Edwardum sextum de statu suo Regali deponere & deprivare, necnon ex injuria sua propria Personna Regalem ipsius nuper Regnis natural' & supremi domini absq; authoritate aliqua sibi per ipsum nuper Regem dat', sive concessa in solam gubernationem predicti nuper Ducis habere & retinere, ac ad voluntatem ejusdem nuper Ducis regere & tractare, ac etiam omnia & singula dominia, negotia, authoritatesque Regias hujus regni Anglie ad libit' ipsius nuper Ducis, ordinare & uti, adtunc & ibidem arrogant', false, malitiose, & proditorie compassavit & imaginavit: Et ulterius juratores predicti presentabant, quod idem nuper Dux Somers' ad suam proditoriam intentionem perimplend', & proficiend', ex malitia sua precogitat' seipsum simul cum Michaele Stanhope nuper de Bedington in Comitat' Sur' Milit', Milone Patriche nuper de London, Milit', Thom' Hol-

croft nuper de London, Milit', Francisco Newdigate nuper de London generos', ac cum diversis aliis personis ad numerum centum personarum Jurator' predictis ignot' in forcibili modo ex eorum propriis authoritatibus ad intentionem capiend' & imprisonand' prenobilem Johannem nuper Ducem Northumberl' adtunc Comitem Warr', unum de Privat' Concilio dicti nuper Regis tunc existen' adtunc & ibidem illicite, false, malitiose, & proditorie assemblaverunt, ipsisque modo & forma predictis, illicite, voluntarie, & malitiose assemblat', ad perimplend' & exequend' falsam & proditoriam intentionem suam predictam, false, voluntarie, malitiose, & proditorie, adtunc & ibidem per spatium duarum horarum & amplius insimul continuaverunt & remanserunt, contra legiantiam suam debitam, & contra pacem dicti nuper Regis coronam & dignitatem suas, ac contra formam diversorum satutorum in hujusmodi casu nuper edit' & provis'. Et ulterius Juratores predicti presentabant, quod predictus Edwardus nuper Dux Somers' Deum pre oculis suis non habens, sed instigatione Diabolica seduct' vicesimo die Maii, anno regni dicti nuper Regis Edwardi sexti quinto supradicto, & diversis aliis diebus & vicibus antea, & postea apud Holborne, in predicta parochia sancti Andree infra Civitat' London, & apud diversa alia loca, infra Civitat' London predictam felonice, ut felo dicti nuper Regis per aperta verba & facta procuravit, movit & instigavit complurim' subdit' dicti nuper Regis ad insurgend' & apertam rebellionem & insurrectionem infra hoc regnum Anglie movend', contra ipsum nuper Regem, & adtunc & ibidem felonice ad capiend' & imprisonand' predictum prenobil' Johannem nuper Ducem Northumberland, tunc Comit' Warwic' de Privat' Concilio dicti nuper Regis adtunc existen' contra pacem ipsius nuper Regis coronam & dignitatem suas, ac contra formam statuti in hujusmodi causa editi & provis'.—Et postea scilicet die Martis primo die Decembris, anno quinto supradicto, coram Willielmo Marchione Wynton, Thesaurar' Anglie, necnon Seneschallo Anglie, hac vice apud Westmonasterium ven' prædictus Edwardus nuper Dux Somers', sub custod' Johannis Gage prenobil' ordinis Garterii Milit', Constabular' dicti Turr' London, in cujus custod' preantea ex causa predicta, & aliis certis de causis commissus fuit ad barr' apud Westmonasterium predictam duct' in propria persona sua qui committebatur prefat' Constabular', &c. Et statim de omnibus & singulis seperalibus proditionibus, & feloniis predictis sibi superius imposit' allocat' qualit' se voluisset inde acquietari, dixit quod ipse in nullo fuit culpabil'. Et inde de bono & malo pon' se super pares suos, &c. Super quo Henric. Dux Suffolc', Johannes Dux Northumberland, & ceteri Comit' & Barones, predict' Edwardi nuper Ducis Somers' pares instant super eorum fidelitatibus & legianc' dicto nuper Regi debit' per prefat' Seneschal' Anglie de veritate inde dicend' onerati; Et postea per eundem Seneschal' ab inferiori pare, usque ad supremum parem illorum seperatim publice examinati quilibet eorum seperatim dixerunt, quod predictus Edwardus nuper Dux Somers' de seperalibus proditionibus predictis sibi seperatim in forma predicta superius imposit' fuit culpabil' modo et forma, prout per seperalia indictamenta inde superius supponebatur, super quo instant' servien' dicti nuper Regis ad legem, ac ipsius nuper Regis Attorn' juxta debit' legis formam pet' versus eundem Edwardum nuper Ducem Somers' judicium, & executionem super seperalibus feloniis predictis pro dicto nuper Rege habend', &c.

"Et super hoc visis per Curiam predictam ad tunc intellectis omnibus & singulis premissis, consideratum fuit quod predictus Edwardus nuper Dux Somers' quoad seperales proditiones predictas sibi seperatim in forma predicta superius imposit', & quamlibet eorum iret inde quiet'. Et quoad seperalis felonias predict', eidem nuper Duci Somers' in forma predicta superius imposit' unde invent' fuit culpabil', ulterius consideratum fuit, quod idem Edwardus nuper Dux Somers' suspenderetur, &c."

Then were read the Depositions of Palmer, Crane, Hamond, &c. and the king's counsel opened the Indictment, and urged strongly Palmer's voluntary Examination (as they called it) with Crane's and the other Examinations.

The duke of Somerset being, it seems, little acquainted with law, did not desire counsel to plead or assist him in point of law, but only answered to matters of fact: he desired no advantage might be taken against him for any idle or angry word that might at any time have fallen from him; he protested he never intended to have raised the northern parts, but had only upon some reports, sent to sir Wm. Herbert to be his friend; that he had never determined to have killed the duke of Northumberland, or any other person, but had only talked of it, without any intention of doing it. That for the design of destroying the gendarmery, it was ridiculous to think, that he with a small troop could destroy so strong a body, consisting of 900 men; in which, though he had succeeded, it could have signified nothing. That he never designed to raise any stirs in London, but had always looked upon it as a place where he was most safe. That his having men about him at Greenwich was with no ill design, since when he could have done mischief with them, he had not done it: but upon his attachment rendered himself a prisoner, without any resistance. He objected also many things against the Witnesses, and desired they might be brought face to face. He particularly spoke against sir Thomas Palmer, the chief witness. But the witnesses were not brought, only their Examinations before-mentioned read. Upon this the king's counsel replied, and avouched the law to be, to assemble men with intent to kill the duke of Northumberland, was Treason

by a Statute of the 3rd and 4th of Edw. 6, made against unlawful Assemblies, which enacts, 'That if twelve persons should have assembled together to have killed any privy-counsellor, and upon proclamation they have not dispersed themselves, it was Treason: or, if such twelve had been by any malicious artifice brought together for any Riot, and being warned, did not disperse themselves, it was felony without benefit of clergy or sanctuary.' That to raise London, or the North parts of the realm, was Treason. That to have men about him to resist his Attachment was felony. That to assault the lords, and to devise their deaths, was felony. These things were urged against him by the counsel (as is their usual way of pleading) with much bitterness. Then the peers withdrew to debate the matter. The Proofs about his design of raising the North or the City, or of killing the gendarmes, did not satisfy them, (for all these had been without question treasonable) so they only held to that point, 'of conspiring to imprison the duke of Northumberland.' The duke of Suffolk was of opinion, That no contention among private subjects should be on any account screwed up to be Treason. The duke of Northumberland said he would never consent that any practice against him should be reputed Treason. Several of the lords said, They held it unfit that the duke of Northumberland, the marquis of Northampton, and the earl of Pembroke should be on the Trial; because the prisoner was chiefly charged with practices intended against them. But Answer was made, That a peer of the realm might not be challenged. So after great difference of opinion, they all acquitted him of Treason. But the greater number found him guilty of Felony, (*g*) and Judgment was given that he should be hanged. (*h*)

Then the duke of Northumberland addressed himself to the duke, and told him, That now, since by the law he was condemned to die, as he had saved him formerly, so he would not now be wanting to serve him, how little soever he expected it from him; he desired him therefore to fly to the king's mercy, in which he promised him he would faithfully serve him. The duke of Somerset then thanked the lords for their favour, and asked pardon of the duke of Northumberland, Northampton, and Pembroke for his ill intentions against them; and made suit for his life, and for his wife and children: and from thence he was carried to the Tower, where he remained till January 22, when his Petition for life having been rejected, he was brought to the scaffold about eight o'clock in the morning.

Account of the Duke's Execution.

Touching which Execution (*i*) a few words here would be bestowed in describing the wonderful order and manner thereof, according as it hath faithfully been suggested to us upon the credit of a certain noble personage, who not only was there present at the deed doing, but also in manner next unto him upon the scaffold, beholding the order of all things with his eyes,

(*g*) "One Attainder passed in Edward 6th's reign, when, though the party was not heard, the witnesses were heard; but when the duke of Somerset came to be tried both for Treason and Felony, he had not the benefit of the accusers being brought face to face, but was proceeded against upon depositions read in the court; he was acquitted of the Treason, but cast for Felony; and that occasioned the Act which the commons grafted upon a Bill sent down by the lords in the subsequent sessions, viz. 5 and 6 Edw. 6. State Tracts, vol. 2, p. 554. By which Act, no person shall be indicted, arraigned, &c. unless the offender be accused by two lawful accusers; which accusers, at the time of the Arraignment, shall be brought in person before the party so accused," &c. 1 Rastal, 102.

(*h*) Thuanus translated by the Rev. Mr. Wilson, vol. 2, p. 409, says, "In England there were troubles of a most dangerous nature; for John Dudley, first created earl of Warwick, and then duke of Northumberland, an ambitious and sagacious man, had accused the duke of Somerset, Protector of the realm, a person of mean spirit, whose patience he had long abused, of male-administration, and had procured his imprisonment; after that, being reconciled to him, he put him upon beheading his brother, who was exceeding brave, and formidable to Northumberland. Which done, after he had gained his wish, and drawn the chief power into his own hands, he had nothing else to do, but to remove Somerset himself out of the way; towards whom he shewed such a contempt, as drove the other upon thought of killing Dudley, for the vindication of his own authority. Somerset therefore went to his house under pretence of a visit, covered with a coat of mail under his cloaths, and carrying with him a party of armed men, whom he left in the next chamber; but when he was introduced in the civilest manner to Dudley, who was naked, and lying upon his bed, the good natured man repented him, would not execute his design, and departed without striking a stroke. The plot being afterwards discovered by the treachery of some of the accomplices, he was accused upon it, and, notwithstanding the unwillingness of the king, who had been brought up under his care, was condemned to death, because he had offended against a late law, which had provided, That whoever was found contriving the death of a privy-counsellor, though he did not accomplish it, should forfeit his head. Accordingly, in the beginning of the next year, he was, by the malignant sport of fortune, beheaded at London. With him suffered sir Ralph Vane, by whose advice Somerset was said to have held his unlawful cabals, and to have conspired against Northumberland and others."

(*i*) 2 Fox's Book of Martyrs, 1247.

and with his pen also reporting the same in order and manner as here followeth:

In the year of our Lord 1552, the 22nd day of January, the noble duke of Somerset, uncle to king Edward, was brought out of the Tower of London and delivered to the sheriffs of the city, and compassed round about with a great number of armed men, both of the guard and others, he was brought unto the Scaffold on Tower-hill; where as he nothing changing neither voice nor countenance, but in a manner with the same gesture which he commonly used at home, kneeling down upon both his knees, and lifting up his hands, commended himself unto God. After that he had ended a few short prayers, standing up again, and turning himself toward the east-side of the scaffold, nothing at all abashed (as it seemed unto me standing about the midst of the scaffold, and diligently marking all things), neither with the sight of the ax, neither yet of the hangman, or of present death; (*k*) but with the like alacrity and chearfulness of mind and countenance as beforetimes he was accustomed to hear the causes and supplications of others, and especially the poor, he uttered these words to the people:

'Dearly beloved friends; I am brought 'hither to suffer death, albeit that I never of-'fended against the king, neither by word nor 'deed, and have been always as faithful and 'true unto this realm, as any man hath been. 'But forsomuch as I am by a law condemned 'to die, I do acknowledge myself as well as 'others to be subject thereunto. Wherefore 'to testify my obedience which I owe unto the 'laws, I am come hither to suffer death; 'whereunto I willingly offer myself, with most 'hearty thanks unto God, that hath given me 'this time of repentance, who might through 'sudden death have taken away my life, that 'neither I should have acknowledged him nor 'myself—Moreover, dearly beloved friends, 'there is yet somewhat that I must put you in 'mind of, as touching Christian Religion; which, 'so long as I was in authority, I always dili-'gently set forth and furthered to my power. 'Neither I repent me of my doings, but rejoice 'therein, sith that now the state of Christian 'Religion cometh most near unto the form and 'order of the primitive church. Which thing 'I esteem as a great benefit given of God both 'unto you and me: most heartily exhorting 'you all, that this which is most purely set 'forth unto you, you will with like thankfulness 'accept and embrace, and set out the same in 'your living. Which thing if you do not, 'without doubt greater mischief and calamity 'will follow.'

When he had spoken these words, suddenly there was a terrible noise heard: whereupon there came a great fear on all men. This noise was as it had been the noise of some great storm or tempest, which unto some seemed to be heard from above; like as if a great deal of gunpowder being inclosed in an armoury, and having caught fire, had violently broken out. But unto some again, it seemed as though it had been a great multitude of horsemen running together, or coming upon them. Such a noise then was in the ears of all men, albeit they saw nothing. Whereby it happened, that all the people being amazed without any evident cause, without any violence or stroke stricken, or any man seen, they ran away, some into the ditches and puddles, and some into the houses thereabout; other some being afraid with the horror and noise, fell down groveling unto the ground with their pole-axes and halberts; and most of them cried out, 'Jesus save us, Jesus save us!' Those which tarried still in their places, for fear knew not where they were. And I myself which was there present among the rest, being also afraid in this hurly-burly, stood still altogether amazed, looking when any man would knock me on the head.—In the mean time, whilst these things were thus in doing, the people by chance spied one sir Anthony Brown riding unto the scaffold, which was the occasion of a new noise; for when they saw him coming, they conjectured that which was not true, but notwithstanding which they all wished for, that the king by that messenger had sent his uncle Pardon; and therefore with great rejoycing, and casting up their caps, they cried out, 'Pardon, pardon is come: God save the king!' Thus this good duke, although he was destitute of all man's help, yet he saw before his departure, in how great love and favour he was with all men. And truly I do not think, that in so great slaughter of dukes as hath been in England within these few years, there were so many weeping eyes at one time; and not without cause: for

(*k*) "It was generally believed, that all this pretended conspiracy upon which he was condemned, was only a forgery; for both Palmer and Crane, the chief witnesses, were soon after discharged, as were also Bartvile and Hamond, with all the rest that had been made prisoners on the pretence of this plot. And the duke of Northumberland continued after that in so close a friendship with Palmer, that it was generally believed he had been corrupted to betray him. And indeed, the not bringing witnesses into court, but only the depositions, and the parties sitting Judges, gave great occasion to condemn the proceedings against him. For it was generally thought, that all was an artifice of Palmer's, who had put the duke of Somerset in fear of his life, and so got him to gather men about him for his own preservation; and that he afterwards being taken with him, seemed through fear to acknowledge all that which he had before contrived. This was more confirmed by the death of the other four, who were executed on the 26th of Feb. and did all protest they had never been guilty of any design, either against the king, or to kill the lords. Vane added, That his blood would make Northumberland's pillow uneasy to him. The people were generally much affected with this execution." 2 Burn. Reform. 186.

all men did see in the decay of this duke, the public ruin of all England, except such as indeed did perceive nothing. But now to return from whence we have strayed, the duke in the mean time standing still in the same place, modestly, and with a grave countenance, made a sign to the people with his hand, that they would keep themselves quiet. Which thing being done, and silence obtained, he spake unto them in this manner:

'Dearly beloved friends, there is no such 'matter here in hand, as you vainly hope or 'believe. It seemeth thus good unto Almighty 'God, whose ordinance it is meet and neces'sary that we all be obedient unto. Where'fore I pray you all to be quiet, and to be con'tented with my death; which I am most wil'ling to suffer: and let us now join in prayer 'unto the Lord for the preservation of the 'king's majesty, unto whom hitherto I have 'always shewed myself a most faithful and 'true subject. I have always been most dili'gent about his majesty in his affairs, both at 'home and abroad, and no less diligent in 'seeking the common commodity of the whole 'realm.' At which words all the people cried out, and said, 'It was not true.' Then the duke proceeding, said, 'Unto whose majesty I 'wish continual health, with all felicity and all 'prosperous success.' Whereunto the people again cried out, 'Amen.'—'Moreover, I do wish 'unto all his counsellors the grace and favour 'of God, whereby they may rule in all things 'uprightly with justice. Unto whom I exhort 'you all in the Lord, to shew yourselves obe'dient, as it is your bounden duty, under the 'pain of condemnation, and also most profit'able for the preservation and safeguard of the 'king's majesty. Moreover, forsomuch as 'heretofore I have had oftentimes affairs with 'divers men, and hard it is to please every 'man, therefore if there be any that hath been 'offended and injured by me, I most humbly 'require and ask him forgiveness; but especially 'Almighty God, whom throughout all my life I 'have most grievously offended: and all other 'whatsoever they be that have offended me, I do 'with my whole heart forgive them. Now I once 'again require you, dearly beloved in the Lord, 'that you will keep yourselves quiet and still, 'lest through your tumult you might trouble 'me. For albeit the spirit be willing and 'ready, the flesh is frail and wavering; and 'through your quietness, I shall be much more 'quieter. Moreover, I desire you all to bear 'me witness, that I die here in the faith of 'Jesus Christ; desiring you to help me with 'your prayers, that I may persevere constant 'in the same unto my life's end.'

After this, he turning himself again about like a meek lamb, kneeled down upon his knees. Then Dr. Cox, who was there present to counsel and advertise him, delivered a certain scroll into his hand, wherein was contained a brief Confession unto God; which being read, he stood up again upon his feet, without any trouble of mind, (as it appeared) and first bad the sheriffs farewel, then the lieutenant of the Tower and others, taking them all by the hands which were upon the scaffold with him. Then he gave the hangman certain money. Which done, he put off his gown, and kneeling down again in the straw, untied his shirt-strings. After that the hangman coming unto him, turned down his collar round about his neck, and all other things which did let or hinder him. Then lifting up his eyes to Heaven, where his only hope remained, and covering his face with his own handkerchief, he laid himself down along, shewing no manner or token of trouble or fear, neither did his countenance change, but that before his eyes were covered there began to appear a red colour in the midst of his cheeks.—Thus this most meek and gentle duke lying along, and looking for the stroke, because his doublet covered his neck, he was commanded to rise up and put it off; and then laying himself down again upon the block, and calling thrice upon the name of Jesus, saying, 'Lord Jesu, save me!' As he was the third time repeating the same, even as the name of Jesu was in uttering, in a moment he was bereft both of head and life."

His son continued in a disconsolate condition, deprived of all his titles; till queen Elizabeth, in the 1st year of her reign, created him earl of Hertford, and baron Seymour; and his grandson, William earl of Hertford, was created marquis of Hertford, 1640, and in the year 1660, he presented the following Case to the house of peers: which giving a great light into that proceeding, is here inserted.

The Case *of the Marquis of* Hertford, *touching the Dukedom of* Somerset, A. D. 1660, *when the Bill was brought into Parliament to restore him to the Title of Duke of* Somerset.

Edward, earl of Hertford (great grandfather of the said marquis) was by letters patents under the great seal of England, bearing date the 6th of April, 1 Edw. 6, created duke of Somerset, to hold to him and the heirs males of his body, upon the body of the lady Anne his then wife begotten and to be begotten, for ever; with several other remainders over in tail.—The said duke afterwards, viz. in Michaelmas-Term, 5 Edw. 6, was indicted of Felony, for procuring and stirring up others to take and imprison John earl of Warwick (one of the king's privy council); which Indictment (though void both in matter and form) was pretended to be grounded on the statute of 3 and 4 Edw. 6, which makes it Felony to stir up and procure others to take away the life of any of the king's council; but this Indictment was only for stirring up others to imprison a privy-counsellor, (which was never reduced into act) and the same declared and branded in print to be void by learned judges. Yet the said duke was found guilty of Felony, and put to death for this fact, which was but a pretended felony; and if true, yet no entailed estate forfeitable thereby.—The malice of his enemies not satis-

fied with his blood, afterwards by their power (in the infancy of the duke's heir, who continued and was owned for duke of Somerset for several months after his father's death,) procured an act of parliament in the same year, 5 Edw. 6, intituled, 'An Act touching the limitation of the late duke of Somerset's Lands,' wherein there is a clause obliquely inserted, to take away the said honour so entailed as aforesaid; which by no Felony (how notorious soever the same had been) could by law have been forfeited, viz. "And be it farther enacted, That the said duke and his heirs males, begotten upon the body of the said lady Anne for ever, shall, by authority of this Act, lose and forfeit unto your highness, your heirs and successors for ever, and also be deprived from henceforth for ever, as well of the names of viscount Beauchamp, earl of Hertford, and duke of Somerset, and every of them, as also of all and every other his and their honour or honours, degrees, dignities, estates, preheminences, and styles, by whatsoever name or names he the same duke hath been called, named, or created, by any letters patents, writs, or otherwise." This being a case unprecedented, both in law and history, and so contrary to the rules of law, justice and reason, to have an attainder of Felony stand, for an offence, which apparently neither then, nor at any time after, was felony; and if a felony yet to have a forfeiture extended beyond the offence, (if there were any) and to be so maliciously prosecuted after the death of the said duke, (who was mainly instrumental in bringing about the blessed Reformation of Religion) it is humbly conceived to be most agreeable to justice to restore the said marquis, who is heir male of the bodies of the said duke and the lady Anne his wife, to his ancient honour, so illegally taken away as aforesaid."

Whereupon, in September 1660, the said marquis of Hertford was restored to the Dukedom of Somerset, by a repeal of the Act of the 5th of Edw. 6.

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43. Proceedings concerning the Non-Conformity in Religion of the Lady MARY, Sister of the King EDWARD the Sixth, afterwards Queen of England: 4 & 5 Edw. VI. A. D. 1550, 1551. [2 Fox's Acts and Monum. 700.]

BY the first Instrument which is here printed, it appears that a letter or letters had been sent by the Lord Protector and Council to the Lady Mary, remonstrating against her Nonconformity. Such letter or letters I have not found.

The Lady Mary's Letter to the Lord Protector and the rest of the Council.

"My Lord; I perceive by the letters which I late received from you, and other of the king's majesty's council, that ye be all sorry to find so little conformity in me touching the observation of his majesty's laws; who am well assured, that I have offended no law, unless it be a late law of your own making, for the altering of matters in Religion, which in my conscience is not worthy to have the name of a law, both for the king's honour's sake, the wealth of the realm, and giving an occasion of an evil bruit through all Christendom, besides the partiality used in the same, and (as my said conscience is very well persuaded) the offending of God, which passeth all the rest: but I am well assured that the king his father's laws were all allowed and consented to without compulsion by the whole realm, both spiritual and temporal, and all ye executors sworn upon a book to fulfil the same, so that it was an authorized law, and that I have obeyed, and will do with the grace of God, till the king's majesty my brother shall have sufficient years to be a judge in these matters himself. Wherein, my lord, I was plain with you at my last being in the court, declaring unto you at that time whereunto I would stand, and now do assure you all, that the only occasion of my stay from altering mine opinion, is for two causes.—One principally for my conscience sake; the other, that the king my brother shall not hereafter charge me to be one of those that were agreeable to such alterations in his tender years. And what fruits daily grow by such changes, since the death of the king my father, to every indifferent person it well appeareth, both to the displeasure of God, and unquietness of the realm.—Notwithstanding, I assure you all, I would be as loth to see his highness take hurt, or that any evil should come to this his realm, as the best of you all, and none of you have the like cause, considering how I am compelled by nature, being his majesty's poor and humble sister, most tenderly to love and pray for him, and unto this his realm (being born within the same) with all wealth and prosperity to God's honour.—And if any judge of me the contrary for mine opinion's sake, as I trust none doth, I doubt not in the end, with God's help, to prove myself as true a natural and humble sister, as they of the contrary opinion, with all their devices and altering of laws, shall prove themselves true subjects; praying you, my lord, and the rest of the council, no more to trouble and unquiet me with matters touching my conscience, wherein I am at a full point, with God's help, whatsoever shall happen to me, intending, with his grace, to trouble you little with any worldly suits, but to bestow the short time I think to live in quietness, and pray for the king's majesty and all you, heartily wishing,

that your proceedings may be to God's honour, the safeguard of the king's person, and quietness to the whole realm.—Moreover, where your desire is, That I should send my controller and Dr. Hopton unto you, by whom you would signify your minds more amply, to my contentation and honour; it is not unknown to you all, that the chief charge of my house resteth only upon the travels of my said controller, who hath not been absent from my house three whole days since the setting up of the same, unless it were for my letters patents; so that if it were not for his continual diligence, I think my little portion would not have stretched so far. And my chaplain by occasion of sickness hath been long absent, and is not yet able to ride.—Therefore like as I cannot forbear my controller, and my priest is not able to journey, so shall I desire you my lord, and all the rest of the council, that having any thing to be declared to me, except matters of religion, ye will either write your minds, or send some trusty person, with whom I shall be contented to talk, and make answer as the case shall require; assuring you that if any servant of mine, either man or woman, or chaplain, should move me to the contrary of my conscience, I would not give ear to them, nor suffer the like to be used within my house. And thus my lord, with my hearty commendations, I wish unto you and the rest as well to do as myself.—From my house at Kinning-hall, the 22d of June, 1549. Your assured friend to my power, MARY."

A Remembrance of certain Matters appointed by the Council to be declared by Dr. Hopton to the Lady Mary's Grace, for Answer to her former Letter; which said Hopton was, after she came to her Reign, Bishop of Norwich.

Her grace writeth, 'That the Law made by Parliament is not worthy the name of Law,' meaning the Statute for the Communion, &c. You shall say thereto: "The fault is great in any subject to disallow a law of the king, a law of a realm, by long study, free disputation, and uniform determination of the whole clergy, consulted, debated, and concluded; but the greater fault is in her grace, being next of any subject in blood and estate to the king's majesty her brother and good lord, to give example of disobedience, being a subject, or of unnaturalness, being his majesty's sister, or of neglecting the power of the crown, she being by limitation of law next to the same. The example of disobedience is most perilous in this time, as she can well understand; her unkindness resteth in the king's own acceptation; the neglecting of the power before God is answerable, and in the world toucheth her honour."

'The Executors,' she saith, 'were sworn to king Henry 8th his laws.' You shall say: "It is true, they were sworn to him, his laws, his heirs, and successors; which oath they duly observe, and should offend if they should break any one jot of the king's laws now being, without a dispensation by a law, and herein her grace shall understand, that it is no law which is dissolved by a law: neither may her grace do that injury to the king's majesty her brother, to diminish his authority so far, that he may not, by the free consent of a parliament, amend and alter unprofitable laws, for the number of inconveniences which hereof might follow, as her grace with consideration may well perceive."

'Offence taken by the sending for her Officers.' You shall say: "If her grace consider the first letters of that purpose, they will declare our good meaning to her, and her gentle usage, requiring the presence of her trusty servant, because she might give more trust to our message."

'Her house is her flock.' You shall say: "It is well liked her grace should have her house or flock, but not exempt from the king's orders; neither may there be a flock of the king's subjects, but such as will hear and follow the voice of the king their shepherd. God disalloweth it, law and reason forbiddeth it, policy abhorreth it, and her honour may not require it."

'Her grace deferreth her obedience to the king's laws, until his majesty be of sufficient years.' You shall say; "She could in no one saying more disallow the authority of the king, the majesty of his crown, and the state of the realm. For herein she suspendeth his kingdom, and esteemeth his authority by his age, not by his right and title. Her grace must understand he is a king by the ordinance of God, by descent of royal blood, not by the numbering of his years. As a creature subject to mortality, he hath youth, and by God's grace shall have age; but as a king he hath no difference by days and years. The Scripture plainly declareth it, not only young children to have been kings by God's special ordinance, but also (which is to be noted) to have had best success in their reign, and the favour of God in their proceedings. Yea, in their first years have they most purely reformed the church and state of religion. Therefore her grace hath no cause thus to diminish his majesty's power, and to make him as it were no king until she think him of sufficient years. Wherein how much his majesty may be justly offended, they be sorry to think."

She saith 'she is subject to none of the council.' You shall say, "If her grace understandeth it of us in that acceptation as we be private men, and not counsellors sworn to the king's majesty, we knowledge us not to be superiors; but if she understand her writing of us as counsellors and magistrates ordained by his majesty, her grace must be contented to think us of authority sufficient by the reason of our office to challenge a superiority; not to rule by private affection, but by God's providence; not to our estimation, but to the king's honour, and finally to increase the king's estate with our council, our dignity and vocation; and we think her grace will not forget the saying of Solomon in the sixth chapter of the

Book of Wisdom, to move a king to rule by counsel and wisdom, and to build his estate upon them. Wherefore her grace must be remembered, the king's majesty's politic body is not made only of his own royal material body, but of a council, by whom his majesty ruleth, directeth, and governeth his realm. In the place of which council her grace is not ignorant that we be set and placed. Wherefore the reputation she shall give us, she shall give it to the king's honour, and that which she shall take from us, she shall take from his majesty, whose majesty we think if it might take increase or honour, as God giveth a daily abundance, it should receive rather increase from her, being his majesty's sister, than thus any abatement."

'She received master Arundel, and master Englefield,' You shall say; "All the council remembereth well her refusal to have her house charged with any more number, alledging the final proportion for her charge, and therefore it was thought to come more for their earnest suit, meaning to be privileged subjects from the law, than of her desire, which refused very often to increase her number. Their cautele the king might not suffer, to have his law disobeyed, their countries where they should serve by them to be destitute, and, having been servants to his majesty, the circumstances of their departure might in no wise be liked."

'She refused to hear any man to the contrary of her opinion.' You shall say; "It is an answer more of will than of reason, and therefore her grace must be admonished neither to trust her own opinion without ground, neither to mislike all others having ground. If hers be good, it is no hurt to hear the worse. If it be ill, she shall do well if she hear the better. She shall not alter by hearing, but by hearing the better. And because she shall not mislike the offer, let her grace name of learned men whom she will, and further than they by learning shall prove she shall not be moved. And so far it is thought reason will compel her grace."

In the end ye shall say; "The good wills and minds of the Lord Protector and the council is so much toward her grace that howsoever she would herself in honour be esteemed, howsoever in conscience quieted, yea howsoever benefited, saving their duties to God and the king, they would as much, and in their doings (if it please her to prove it) will be nothing inferiours, assuring her grace, that they be most sorry that she is thus disquieted: and if necessity of the cause, the honour and surety of the king, and the judgment of their own conscience, moved them not, thus far they would not have attempted. But their trust is, her grace will allow them the more, when she shall perceive the cause, and think no less could be done by them, where she provoked them so far."

These and other of like credit, more amply committed to you in speech, you shall declare to her grace, and further declare your conscience for the allowing of the manner of the communion, as ye have plainly professed it before us. At Richmond the 14th of June 1549.

The Lady Mary to the Lord Protector and the rest of the Council, 27th June, 1549.

"My lord, I perceive by letters directed from you, and other of the king's majesty's council, to my comptroller, my chaplain, and master Englefield my servant, that ye will them upon their allegiance to repair immediately to you, wherein you gave me evident cause to change mine accustomed opinion of you all, that is to say, to think you careful of my quietness and well doing, considering how earnestly I writ to you for the stay of two of them, and that not without very just cause. And as for master Englefield, as soon as he could have prepared himself, having his horses so far off, although ye had not sent at this present, he would have performed your request. But indeed I am much deceived. For I supposed ye would have weighed and taken my letters in better part, if ye have received them; if not, to have tarried my answer, and I not to have found so little friendship, nor to have been used so ungently at your hands in sending for him upon whose travel doth rest the whole charge of my whole house, as I writ unto you lately; whose absence therefore shall be to me and my said house no little displeasure, especially being so far off. And besides all this, I do greatly marvel to see your writing for him, and the other two, with such extreme words of peril to ensue towards them in case they did not come, and specially for my comptroller, whose charge is so great, that he cannot suddenly be meet to take a journey: which words in mine opinion needed not (unless it were in some very just and necessary cause) to any of mine, who taketh myself subject to none of you all; not doubting but if the king's majesty my brother were of sufficient years to perceive this matter, and knew what luck and incommodity the absence of my said officer should be to my house, his grace would have been so good lord to me, as to have suffered him to remain where his charge is. Notwithstanding, I have willed him at this time to repair to you, commanding him to return forthwith for my very necessities sake, and I have given the like leave to my poor sick priest also, whose life I think undoubtedly shall be put in hazard by the wet and cold painful travel of this journey. But for my part I assure you all, that since the king my father, your late master and very good lord, died, I never took you for other than my friends; but in this it appeareth contrary. And saving I thought verily that my former letters should have discharged this matter, I would not have troubled myself with writing the same, not doubting but you do consider, that none of you all would have been contented to have been thus used at your inferiour's hands; I meane, to have had your officer or any of your servants sent for by force (as ye make it) knowing no full cause why. Wherefore I do not a little marvel, that ye had set this remembrance

towards me, who always have willed and wished you as well to do as myself, and both have and will pray for you all as heartily, as for mine own soul to Almighty God, whom I humbly beseech to illuminate you all with his holy spirit, to whose mercy also I am at a full point to commit myself, whatsoever shall become of my body. And thus with my commendations I bid you all farewell. From my house at Kenninghall, the 27th of June. Your friend to my power, though you give me contrary cause, MARY.

The King's Letter to the Lady Mary the 24th of January, 1550.

"Right dear, &c. We have seen by Letters of our Council, sent to you of late, and by your answer thereunto, touching the cause of certain your chaplains, having offended our laws in saying of mass, their good and convenient advices, and your fruitless and indirect mistaking of the same: which thing moveth us to write at this time, that where good counsel from our Council hath not prevailed, yet the like from ourself may have due regard. The whole matter we perceive rests in this, That you being our next sister, in whom above all other our subjects nature should place the most estimation of us, would wittingly and purposely, not only break our laws yourself, but also have others maintained to do the same. Truly howsover the matter may have other terms, other sense it hath not: and although by your letter it seemeth you challenge a promise made, that so you may do; yet surely we know the promise had no such meaning, neither to maintain, ne to continue your fault. You must know this, sister, you were at the first time, when the law was made, born withal, not because you should disobey the law; but that by our lenity and love shewed you might learn to obey it. We made a difference of you from our other subjects, not for that all other should follow our laws, and you only gainstand them, but that you might be brought as far forward by love, as others were by duty. The error wherein you would rest is double, and every part so great that neither for the love of God we can well suffer it unredressed, neither for the love of you can we but wish it amended. First, you retain a fashion in honouring of God, who indeed thereby is dishonoured, and therein err you in zeal for lack of science, and having science offered you, you refuse it, not because it is science, we trust (for then should we despair of you) but because you think it is none. And surely in this we can best reprehend you, learning daily in our school, that therefore we learn things because we know them not, and are not allowed to say we know not those things, or we think they be not good, and therefore we will not learn them. Sister, you must think nothing can commend you more then reason, according to the which you have been hitherto used; and now for very love we will offer you reason ourself. If you are persuaded in conscience to the contrary of our laws, you or your persuaders shall freely be suffered to say what you or they can, so that you will hear what shall be said again.—In this point you see I pretermit my estate, and talk with you as your brother rather than your supreme lord and king. Thus should you, being as well content to hear of your opinions as you are content to hold them, in the end thank us as much for bringing you to light, as now before you learn you are loath to see it. And if thus much reason with our natural love shall not move you, whereof we would be sorry, then must we consider the other part of your fault, which is the offence of our laws. For though hitherto it hath been suffered in hope of amendment, yet now, if hope be none, how shall there be sufferance? Our charge is to have the same care over every man's estate, that every man ought to have over his own. And in your own house as you would be loath openly to suffer one of your servants, being next you, most manifestly to break your orders, so must you think in our state it shall miscontent us to permit you, so great a subject, not to keep our laws. Your nearness to us in blood, your greatness in estate, the condition of this time maketh your fault the greater. The example is unnatural that our sister should do less for us then our other subjects. The cause is slanderous for so great a personage to forsake our majesty.—Finally, it is too dangerous in a troublesome commonwealth, to make the people to mistrust a faction. We be young, you think, in years to consider this. Truly sister, it troubleth us somewhat the more; for it may be, this evil suffered in you is greater than we can discern, and so we be as much troubled because we doubt whether we see the whole peril, as we be for that we see. Indeed we will presume no further than our years giveth us, that is, in doubtful things not to trust our own wits, but in evident things we think there is no difference. If you should not do as other subjects do, were it not evident that therein you should not be a good subject? Were it not plain in that case, that you should use us not as your sovereign lord? Again, if you should be suffered to break our laws manifestly, were it not a comfort for others so to do? And if our laws be broken, and contemned, where is our estate? These things be so plain, as we could almost have judged them six years past. And indeed it grieveth us not a little, that you, which should be our most comfort in our young years, should alone give us occasion of discomfort. Think you not but it must needs trouble us? and if you can so think, you ought, sister, to amend it. Our natural love towards you without doubt is great, and therefore diminish it not yourself. If you will be loved by us, shew some token of love towards us, that we say not with the psalm, *Mala pro bonis mihi reddiderunt.* If you will be believed when by writing you confess us to be your Sovereign Lord, hear that which in other things is often alledged, *Ostende mihi fidem tuam ex factis tuis.* In the answer of your Letter to our Council, we remember you stick only upon one reason

divided into two parts. The first is, that in matters of religion your faith is none other, but as all Christendom doth confess. The next is, you will assent to no alteration, but wish things to stand as they did at our father's death. If you mean in the first to rule your faith by that you call Christendom, and not by this church of England wherein you are a member, you shall err in many points, such as our fathers and yours would not have suffered, whatsoever you say of the standing still of things as they were left by him. The matter is too plain to write, what may be gathered, and too perilous to be concluded against you. For the other part, if you like no alteration by our authority, of things not altered by our father, you should do us too great an injury. We take ourself, for the administration of this our commonwealth, to have the same authority which our father had, diminished in no part, neither by example of Scripture, nor by universal laws. The stories of Scripture be so plenteous, as almost the best ordered church of the Israelites was by kings younger than we be. Well sister, we will not in these things interpret your writings to the worst; love and charity shall expound them. But yet you must not thereby be bold to offend in that whereunto you see your writings might be wrested. To conclude, we exhort you to do your duty, and if any impediment be thereof, not of purpose, you shall find a brotherly affection in us to remedy the same. To teach and instruct you we will give order, and so procure you to do your duty willingly, that you shall perceive you are not used merely as a subject, and only commanded, but as a daughter, a scholar, and a sister, taught, instructed and persuaded. For the which cause, when you have considered this our letter, we pray you that we may shortly hear from you."

The Lady Mary to the King.

"My duty most humbly remembered to your majesty, please it the same to understand that I have received your lettters by master Throgmorton this bearer. The contents whereof do more trouble me than any bodily sickness, though it were even to the death, and the rather for that your highness doth charge me to be both as breaker of your laws, and also an incourager of others to do the like. I most humbly beseech your majesty to think that I never intended towards you otherwise than my duty compelleth me unto, that is, to wish your highness all honour and prosperity, for the which I do and daily shall pray. And where it pleaseth your majesty to write, that I make a challenge of a promise made otherwise than it was meant, the truth is, the promise could not be denied before your majesty's presence at my last waiting upon the same. And although, I confess, the ground of faith, whereunto I take reason to be but an handmaid, and my conscience also hath and do agree with the same: yet touching that promise, for so much as it hath pleased your majesty, God knoweth by whose persuasion, to write, it was not so meant; I shall most humbly desire your highness to examine the truth thereof indifferently, and either will your majesty's ambassador, now being with the emperor, to inquire of the same, if it be your pleasure to have him move it, or else to cause it to be demanded of the emperor's ambassador here, although he were not within this realm at that time. And thereby it shall appear that in this point I have not offended your majesty, if it may please you so to accept it. And albeit your majesty, God be praised, hath at these years as much understanding and more, than is commonly seen in that age, yet considering you do hear but one part, your highness not offended, I would be a suitor to the same, that till you were grown to more perfect years, it might stand with your pleasure to stay in matters touching the soul. So undoubtedly should your majesty know more, and hear others, and nevertheless be at your liberty and do your will and pleasure. And whatsoever your majesty hath conceived of me, either by letters to your Council, or by their report, I trust in the end to prove myself as true to you, as any subject within your realm, and will by no means stand in argument with your majesty, but in most humble wise beseech you, even for God's sake, to suffer me, as your highness hath done hitherto. It is for no worldly respect I desire it. God is my judge, but rather than to offend my conscience, I would desire of God to lose all that I have, and also my life; and nevertheless live and die your humble sister and true subject. Thus after pardon craved of your majesty for my rude and bold writing, I beseech Almighty God to preserve the same in honour with as long continuance of health and life, as ever had noble king. From Beaulieu, the 3rd of February. Your majesty's most humble and unworthy sister, MARY."

The Lady Mary to the Lords of the Council, the 4th of December, 1550.

"My lords, your letters dated the second of this present were delivered unto me the third of the same. And where you write that two of my chaplains, doctor Mallet and Barkly, be indicted for certain things committed by them contrary to the king's majesty's laws, and process for them also awarded forth, and delivered to the sheriff of Essex; I cannot but marvell they should be so used, considering it is done, as I take it, for saying mass within my house: and although I have been of myself minded always, and yet am, to have mass within my house: yet I have been advertised that the emperor's majesty hath been promised that I should never be unquieted nor troubled for my so doing, as some of you, my lords, can witness. Furthermore, besides the declaration of the said promise made to me by the emperor's ambassador that dead is, from his majesty, to put my chaplains more out of fear, when I was the last year with the king's majesty my brother, that question was then moved, and could not be denied, but affirmed by some of you before his majesty to be true, being not so much un-

quieted for the trouble of my said chaplains, as I am to think how this matter may be taken, the promise to such a person being no better regarded. And for mine own part, I thought full little to have received such ungentleness at your hands, having always (God is my judge) wished unto the whole number of you as to myself, and have refused to trouble you, or to crave any thing at your hands, but your good will and friendship, which very slenderly appeareth in this matter. Notwithstanding, to be plain with you, howsoever ye shall use me or mine (with God's help,) I will never vary from mine opinion touching my faith. And if ye or any of you bear me the less good will for that matter, or faint in your friendship towards me only for the same, I must and will be contented, trusting that God will in the end shew his mercy upon me, assuring you, I would rather refuse the friendship of all the world, (whereunto I trust I shall never be driven) than forsake any point of my faith. I am not without some hope that ye will stay this matter, not inforcing the rigour of the law against my chaplains. The one of them was not in my house these four months, and D. Mallet, having my licence, is either at Windsor, or at his benefice, who, as I have heard, was indicted for saying of mass out of my house, which was not true. But indeed, the day before my removing from Woodham water, my whole houshold in effect being gone to Newhal, he said mass there by mine appointment. I see and hear of divers that do not obey your Statutes and Proclamations, and nevertheless escape without punishment. Be ye judges if I be well used to have mine punished by rigour of a law, besides all the false bruits that ye have suffered to be spoken of me. Moreover, my chaplain doctor Mallet, besides mine own commandment, was not ignorant of the promise made to the emperor, which did put him out of fear. I doubt not therefore but ye will consider it, as by that occasion no piece of friendship be taken away, nor I to have cause but to bear you my good will, as I have done heretofore: for albeit I could do you little pleasure, yet of my friendship ye were sure, as if it had lain in my power, ye should have well known. Thus with my hearty commendations to you all, I pray Almighty God to send you as much of his grace, as I would wish to mine own soul. From Beaulieu, 4th of Dec. Your assured friend to my power, MARY."

The Council to the Lady Mary, the 25th of December, 1550.

"After our due commendations to your grace, by your letters to us, as an answer to ours, touching certain process against two of your chaplains, for saying mass against the law and statute of the realm, we perceive both the offence of your chaplains is otherwise excused than the matter may bear, and also our good wills otherwise misconstrued than we looked for. And for the first part, where your greatest reason to excuse the offence of a law, is a promise made to the emperor's majesty, whereof you write, that first some of us be witnesses, next that the ambassador for the emperor declared the same unto you, and lastly, that the same promise was affirmed to you before the king's majesty at your last being with him: we have thought convenient to repeat the matter from the beginning, as it hath hitherto proceeded, whereupon it shall appear how evidently your chaplains have offended the law, and you also mistaken the promise. The promise is but one in itself, but by times thrice as you say repeated. Of which times, the first is chiefly to be considered, for upon that do the other two depend. It is very true the emperor made request to the king's majesty, that you might have liberty to use the mass in your house, and to be as it were exempted from the danger of the statute. To which request divers good reasons were made, containing the discommodities that should follow the grant thereof, and means devised rather to persuade you to obey and receive the general and godly reformation of the whole realm, than by a private fancy to prejudice a common order. But yet, upon earnest desire and intreaty made in the emperor's name, thus much was granted, that for his sake and your own also, it should be suffered and winked at, if you had the private mass used in your own closet for a season until you might be better informed, whereof there was some hope, having only with you a few of your own chamber, so that for all the rest of your houshold the service of the realm should be used, and none other; further than this the promise exceeded not. And truly such a matter it then seemed to some of us, as indeed it was, that well might the emperor have required of the king's majesty a matter of more profit, but of more weight or difficulty to be granted his majesty could not. After this grant in words, there was by the embassador now dead oftentimes desired some writing, as a testimony of the same. But that was ever denied; not because we meant to break the promise, as it was made, but because there was daily hope of your reformation.—Now to the second time you say the emperor's embassador's declaration made mention of a promise to you, it might well so be. But we think no otherwise than as it appeareth before written. If it were, his fault it was to declare more than he heard; ours it may not be, that deny not what we have said. As for the last time when ye were with the king's majesty, the same some of us (whom by these words your letter noteth) do well remember, that no other thing was granted to you in this matter, but as the first promise was made to the emperor, at which time you had too many arguments made to approve the proceedings of the king's majesty, and to condemn the abuse of the mass, to think that where the private mass was judged ungodly, there you should have authority and ground to use it. About the same time, the embassador made means to have some testimony of the promise under the great seal;

and that not being heard, to have it but by a letter; and that also was not only denied, but divers good reasons alledged, that he should think it denied with reason, and so to be contented with an answer. It was told him, in reducing that which was commonly called the mass to the order of the primitive Church, and the institution of Christ, the king's majesty and his whole realm had their consciences well quieted, against the which if any thing should be willingly committed, the same should be taken as an offence to God, and a very sin against a truth known. Wherefore to license by open act such a deed, in the conscience of the king's majesty and his realm, were even a sin against God. The most that might herein be born, was, that the king's majesty might, upon hope of your grace's reconciliation, suspend the execution of his law, so that you would use the license as it was first granted. Whatsoever the ambassador hath said to others, he had no other manner grant from us, nor having it thus granted, could alledge any reason against it. And where in your letter your grace noteth us as breakers of the promise made to the emperor, it shall appear who hath broken the promise: whether we that have suffered more than we licensed, or you that have transgressed that which was granted. Now therefore we pray your grace confer the doings of your chaplains with every point of the premises; and if the same cannot be excused, then think also how long the law hath been spared. If it prick our consciences somewhat, that so much should be used as by the promise you may claim, how much more should it grieve us to license more than you can claim; and yet could we be content to bear a great burthen to satisfy your grace, if the burthen pressed not our consciences so much as it doth, whereof we must say as the Apostle said, *gloriatio nostra est hæc, testimonium conscientiæ nostræ.* For the other part of your grace's letter, by the which we see you misconstrue our good wills in writing to you, howsoever the law had proceeded against your chaplains, our order in sending to you was to be liked, and therein truly had we special regard of your grace's degree and estate. And because the law itself respecteth not persons, we thought to give respect to you, first signifying to you what the law required, before it should be executed, that being warned, your grace might either think no strangeness in the execution, or for an example of obedience cause it to be executed yourself. Others we see perplexed with suddenness of matters; your grace we would not have unwarned, to think any thing done on a sudden. Truly we thought it more commendable for your grace to help the execution of a law, than to help the offence of one condemned by law. And in giving you knowledge what the king's laws required, we looked for help in the execution by you the king's majesty's sister. The greater personage your grace is, the nigher to the king, so much more ought your example to further his laws. For which cause it hath been called a good commonwealth where the people obeyed the higher estates, and they obeyed the laws. As nature hath joined your grace to the king's majesty to love him most entirely, so hath reason and law subdued you to obey him willingly. The one and the other we doubt not but your grace remembereth: and as they both be joined together in you his majesty's sister, so we trust you will not sever them; for indeed your grace cannot love him as your brother, but you must obey his majesty as his subject.—Example of your obedience and reverence of his majesty's laws is instead of a good preacher to a great number of his majesty's subjects, who, if they may see in you negligence of his majesty, or his laws, will not fail, but follow on hardly, and then their fault is not their own but yours, by example, and so may the king's majesty, when he shall come to further judgment, impute the fault of divers evil people (which thing God forbid) to the sufferance of your grace's doings. And therefore we most earnestly from the depth of our hearts desire it, that as nature hath set your grace nigh his majesty by blood, so your love and zeal to his majesty will further his estate by obedience. In the end of your letter two things be touched, which we cannot pretermit; the one is, you seem to charge us with permission of men to break laws and statutes. We think indeed it is too true, that laws and proclamations be broken daily, the more pity it is, but that we permit them, we would be sorry to have it proved. The other is, that we have suffered bruits to be spoken of you, and that also must be answered as the other. It is pity to see men so evil, as whom they may touch with tales and infamies they care not, so they miss not the best. Such is the boldness of people, that neither we can fully bridle them to raise tales of you, nor of ourselves. And yet whensoever any certain person may be gotten, to be charged with any such, we never leave them unpunished. Indeed the best way is, both for your grace, and us also, that when we cannot find and punish the offender, let us say as he said that was evil spoken of; Yet will I so live, as no credit shall be given to my backbiters. Certainly, if we had credited any evil tale of your grace, we would friendly have admonished you thereof, and so also proceeded, as either the tale-tellers should have been punished, or else to have proved their tales. And therefore we pray your grace to think no unkindness in us, that any evil bruits have been spread by evil men, but think rather well of us, that howsoever they were spread, we believed them not. Hitherto your grace seeth we have written somewhat at length, of the promise made to you, and our meanings in our former writings. And now for the latter part of our letter, we will as briefly as we can remember to you two special matters, whereof the one might suffice to reform your proceedings, and both together, well considered, we trust shall do your grace much good. The one is, the truth of that you be desired to follow; the other is, the commodity that thereby shall ensue. They both make a

just commandment, and because of the first the latter followeth, that first shall be entreated of. We hear say, your grace refuseth to hear any thing reasoned contrary to your old determination, wherein you make your opinion suspicious, as that you are afraid to be dissuaded. If your faith in things be of God, it may abide any storm or weather; if it be but of sand, you do best to eschew the weather. That which we profess hath the foundation in scriptures upon plain texts and no glosses, the confirmation thereof by the use in the primitive church, not in this latter corrupted. And indeed our greatest change is not in the substance of our faith, no, not in any one article of our creed; only the difference is, that we use the ceremonies, observations, and sacraments of our religion as the apostles and first fathers in the primitive church did. You use the same that corruption of time brought in, and very barbarousness and ignorance nourished, and seem to hold for custom against the truth, and we for truth against custom. Your grace in one or two places of your letter seemeth to speak earnestly in the maintenance of your faith, and therein (so that your faith be according to the scriptures) we must have the like opinion; the saying is very good, if the faith be sound. But if every opinion your grace hath (we cannot tell how) conceived, shall be your faith, you may be much better instructed. Saint Paul teacheth you, that faith is by the word of God. And it was a true saying of him that said, *Non qui cuivis credit fidelis est, sed qui Deo.* For where hath your grace ground for such a faith, to think common prayer in the English church should not be in English, that images of God should be set up in the church; or that the sacrament of Christ's body and blood should be offered by the priests for the dead; yea, or that it should be otherwise used than by the scripture it was instituted: though you have no scripture to maintain them, we have evident scriptures to forbid them. And although fault may be found, that of late baptism hath been used in your grace's house, contrary to law, and utterly without licence, yet is it the worse, that contrary to the primitive church, it hath been in an unknown tongue, by the which the best part of the sacrament is unused, and as it were a blind bargain made by the godfathers in a matter of illumination; and thus in the rest of the things in which your grace differeth from the common order of the realm, where have you ground or reason, but some custom, which oftentimes is mother of many errors? and although in civil things she may be followed where she causeth quiet, yet not in religious, where she excuseth no error, as in Leviticus it is said, 'Ye shall not do after the custom of Egypt, wherein ye dwelled, nor after the custom of Canaan; no, you shall not walk in their laws, for I am your Lord God, keep you my laws and commandments.' The points wherein your grace differeth in your faith, as you call it, may be shewed where, when, how, and by whom they began since the gospel was preached, the church was planted, and the apostles martyred. At which time your faith depended upon the scripture, and otherwise there was no necessity to believe. For as Hierome saith, *Quod de Scripturis non habet authoritatem, eadem facilitate contemnitur qua probatur.* And because your grace, as we hear say, readeth sometimes the doctors, we may alledge unto you two or three places of other principal doctors. Augustine saith, *Cum Dominus tacuerit, quis nostrum dicat, illa vel illa sunt: aut si dicere audeat, unde probat?* And Chrysostom's saying is not unlike; *Multi, inquit, jactant spiritum sanctum, sed qui propria loquuntur, falsò illum prætendunt.* And if you will take their meaning plain, read the fifth chapter of the first book of *Ecclesiastica historia;* and where Constantine had these words in the council. *In disputationibus, inquit, rerum divinarum habetur præscripta spiritus sancti doctrina; Evangelici & Apostolici libri cum prophetarum oraculis plene nobis ostendunt sensum numinis; proinde discordia posita, sumamus ex verbis spiritus quæstionum explicationes.* What plainer sayings may be than these to answer your fault? Again, too infinite it were to remember your grace of the great number of particular errors, crept into the church, whereupon you make your foundation. The fables of false miracles, and lewd pilgrimages may somewhat teach you. Only this we pray your grace to remember with your self, the two words that the Father said of his Son Jesus Christ, *Ipsum audite.*' To the second point of the commodity that may follow your obedience, we having by the king's authority in this behalf, the governance of this realm, must herein be plain with your grace. And if our speech offend the same, then must your grace think it is our charge and office to find fault where it is, and our part to amend it as we may. Most sorry truly we be, that your grace, whom we should otherwise honour for the king's majesty's sake, by your own deeds should provoke us to offend you; we do perceive great discommodity to the realm by your grace's singularity, if it may be so named, in opinion; and in one respect, as you are sister to our sovereign lord and master, we most humbly beseech your grace to shew your affection continually towards him, as becometh a sister. And as your grace is a subject, and we counsellors to his majesty's estate, we let you know the example of your grace's opinion, hindereth the good weal of this realm, which thing we think, is not unknown to you; and if it be, we let your grace know, it is too true. For God's sake we beseech your grace, let nature set before your eyes the young age of the king your brother. Let reason tell you the looseness of the people; how then can you without a wailing heart think that you should be the cause of disturbance? If your grace see the king, being the ordinary ruler under God, not only of all others in the realm, but of you also, call his people by ordinary laws one way, with what heart can your grace stay yourself without following; much worse to stay other that would follow

their sovereign lord? Can it be a love in you to forsake him, his rule and law, and take a private way by yourself? if it be not love, it is much less obedience. If your grace think the king's majesty to be over his people, as the head in a man's body is over the rest, not only in place but in dignity and science, how can you, being a principal member in the same body, keep the nourishment from the head? We pray your grace most earnestly, think this thing so much grieveth us, as for our private affection and goodwills to you (though we should dissemble) yet for our public office, we cannot but plainly inform your grace, not doubting but that your wisdom can judge what our office is, and if it were not your own cause, we know your grace by wisdom could charge us, if we suffered the like in any other. Truly every one of us apart honoureth your grace for our master's sake, but when we join together in public service, as in this writing we do, we judge it not tolerable, to know disorder, to see the cause, and leave it unamended. For though we would be negligent, the world would judge us. And therefore we do altogether eftsoons require your grace, in the king's majesty's name, that if any of your two chaplains, Mallet, or Barkley, be returned, or as soon as any of them shall return to your grace's house, the same may be, by your grace's commandment or order, sent and delivered to the sheriff of Essex, who hath commandment from the king's majesty, by order of the law and of his crown, to attach them, or if that condition shall not like your grace, yet that then he may be warned from your grace's house, and not kept there, to be as it were defended from the power of the law. Which thing we think surely neither your grace will mean, nor any of your council assent thereto. And so to make an end of our letter, being long for the matter, and hitherto deferred for our great business, we trust your grace first seeth how the usage of your chaplains differeth from the manner of our licence, and what good intent moved us to write to you in our former letters; lastly, that the things whereunto the king and the whole realm hath consented, be not only lawful and just by the policy of the realm, but also just and godly by the laws of God. So that if we, which have charge under the king, should willingly consent to the open breach of them, we could neither discharge ourselves to the king for our duties, neither to God for our conscience: the consideration of which things we pray Almighty God, by his holy spirit, to lay in the bottom of your heart, and thereupon to build such a profession in you, as both God may have his true honour, the king his due obedience, the realm concord, and we most comfort. For all the which we do heartily pray, and therewith, for the continuance of your grace's health to your hearts desire. From Westminster, the 25th of December."

The Lady Mary to the Lords of the Council.

"My lords, after my hearty commendations to you, although both I have been and also am loth to trouble you with my letters, yet nevertheless the news which I have lately heard, touching my chaplain doctor Mallet, forceth me thereunto at this present; for I hear by credible report, that you have committed him to the Tower, which news seem to me very strange. Notwithstanding I thought it good by these to desire you to advertise me what is the cause of his imprisonment, assuring you I would be sorry that any of mine should deserve the like punishment; and there is no creature within the king's majesty's realm would more lament, that any belonging to them should give just cause so to be used, than I would do; who would have thought much friendship in you, if you had given me knowledge wherein my said chaplain had offended, before you had ministered such punishment unto him, eftsoons requiring you to let me know by this bearer the truth of the matter. And thus thanking you for the short dispatch of the poor merchant of Portugal, I wish to you all no worse than to myself, and so bid you farewell. From Beaulieu, the 2d of May, 1551. Your friend to my power. MARY."

The Council to the Lady Mary, the 6th of May, 1551.

"After our humble commendations to your grace, we have received your letters of the 2d of this month, by the which your grace seemeth to take it strangely, that doctor Mallet is committed to prison, whereof we have the more marvel, seeing it hath been heretofore signified unto you, that he hath offended the king's majesty's laws, and was therefore condemned, and your grace hath been by our letters earnestly desired that he might be delivered to the sheriff of Essex, according to the just process of the law, to the which all manner of persons of this realm be subject: Wherefore, howsoever it seem strange at this time to your grace, that he is imprisoned, it may seem more strange to others, that he hath escaped it thus long; and if the place, being the Tower, move your grace not to impute his imprisonment to his former offence, then we pray your grace to understand that indeed it is for the very same, and the place of the imprisonment to be at the king's majesty's pleasure, from whom, besides the charge of his laws, we have express commandment to do that we do. And so we beseech your grace to think of us, that neither in this case, nor in any other, we mean to do any other than minister and see, as much as in our power lieth, justice ministered indifferently to all persons. Which doing, then we think your grace should not think it any lack of friendship that we did not certify you of the offence of your chaplain, although indeed the cause hath already been certified. And we trust your grace, both of your natural nearness to the king's majesty, and your own good wisdom, will not mislike our ministry in the execution of the laws of the realm, and the pleasure of the king's majesty. So we wish to your grace,

from the bottom of our heart, the grace of Almighty God, with the riches of his holy gifts."

The Lady Mary to the Council, the 11th of May, 1551.

"My lords, it appeareth by your letters of the sixth of this present which I have received, that the imprisonment of my chaplain, doctor Mallet, is for saying of mass, and that he was condemned for the same. Indeed I have heard that he was indicted, but never condemned. Nevertheless I must needs confess and say, that he did it, but by my commandment; and I said unto him, that none of my chaplains should be in danger of the law for saying mass in my house. And thereof to put him out of doubt, the emperor's embassador that dead is, declared unto him before that time, how and after what sort the promise was made to his majesty, whereby it appeareth, that the man hath not in that willingly offended. Wherefore I pray you to discharge him of imprisonment, and set him at liberty: if not, ye minister cause, not only to him, but to others, to think that I have declared more than was true, which I would not wittingly do, to gain the whole world. And herein, as I have often said, the emperor's majesty can be best judge. And to be plain with you, according to mine own custom, there is not one amongst the whole number of you all, that would be more loth to be found untrue of their word than I. And well I am assured, that none of you have found it in me. My lords, I pray you seek not so much my dishonour, as to disprove my word, whereby it shall appear too plain, that you handle me not well. And if you have cause to charge my chaplain for this matter, lay that to me, and I will discharge it again, by your promise made to the emperor's majesty, which you cannot rightfully deny; wishing rather that you had refused it in the beginning, than after such promise made, and to such a person, to seem to go from it; which, my lords, as your very friend, I heartily desire you to consider, and to give me no cause to think you otherwise than my friends, considering I have always, and yet do (God is my judge) wish to you all no worse, neither in souls nor bodies, than to myself, and so, with my hearty commendations, I commit you all to God. From Beaulieu the 11th of May. Your assured friend to my power,

MARY."

The Council to the Lady Mary, the 27th of May, 1551.

"After our due commendations to your grace, although the same receiveth not answer so soon, as perchance was looked for upon the return of your grace's servant: yet we doubt not but your grace understanding that where we have matters of estate pertaining to the king's majesty in hand, as indeed we have had of late, the deferring of the answer, in a matter being no greater, requireth to be borne withal. And touching the answer of your grace's letter for doctor Mallet, we pray your grace to understand, that although you write he was indicted, he was not condemned, and so seem to take exception at the manner of his imprisonment: yet if they which informed your grace of that manner of reason in the law, were as well disposed to please your grace with truth, as the reason indeed is not true, then should they have told your grace that, by the act of parliament, if either Mallet have been convicted by the oaths of twelve men, or that the fact have been notorious, then the punishment doth follow justly. The truth of the one and the other way of conviction in this case is notorious enough, besides his flying from the process of the law. And where your grace, to relieve him, would take the fault upon yourself, we are sorry to perceive your grace so ready to be a defence to one that the king's law doth condemn. Nevertheless, he is not punished because your grace bad him, and willed him to do that which was an offence, but he is punished for doing it; and if we should not so see the king's laws executed without respect, it might appear that we too much neglected our duty: and for that your grace taketh it as a discredit to yourself, that he should be punished for that you bad him do, alledging to him that you had authority so to do, and that so promise was made to the emperor, it hath been both written, and said to your grace, what is truth in that behalf. And howsoever that your grace pretendeth your licence to have mass said before yourself, for a time of your reconciliation, it had been far out of reason to have desired that whosoever was your chaplain might say mass in any house that was yours, when your grace's self was not there; for so is doctor Mallet's offence, for saying mass at one of your houses where your grace was not, which thing as it was never granted, so do we not remember that ever it was demanded. The suit that hath been at any time made, either by the emperor's ambassador that dead is, or by him that now is, was never but in respect of your grace, and not to be taken that the emperor or his ambassador meant to privilege master Dr. Mallet, or any other, to say mass out of your presence. Wherefore as we do plainly write to your grace, so do we pray you to take it in good part, and think we be as ready to do our due reverence towards your grace in any thing we may do with our duty to our master, as any your grace may command; and of such wisdom we know your grace to be, that ye should judge the better of us, for that we be diligent to see the laws of the realm executed, wherein resteth the strength and safeguard of the king's majesty our sovereign lord and master."

The Lady Mary to the Lords of the Council, the 21st of June, 1551.

"My lords; Although I received by my servant, this bearer, (who lately delivered unto you my letters, wherein I desired to have my chaplain, Dr. Mallet, discharged of his imprisonment) your gentle message in general words, for the which I give you most hearty thanks;

yet have I no knowledge whether you will set him at liberty or not; but I think that your weighty affairs at that time was the let and cause ye did not write, for else I doubt not but ye would have answered me. Wherefore not being satisfied, and understanding ye would gladly pleasure me, I thought good eftsoons to desire you that my said chaplain may have his liberty, wherein I assure you ye shall much gratify me, being not a little troubled, that he is so long in prison without just cause, seeing the matter of his imprisonment is discharged by the promise made to the emperor's majesty, as in my late letter I declared unto you. Wherefore my lords, I pray you let me have knowledge by this bearer, how ye will use me in this matter; wherein if ye do pleasure me accordingly, then shall it well appear that ye regard the aforesaid promise, and I will not forget your gentleness therein, God willing, but requite it to my power. And thus with my hearty commendations to you all, I bid you farewel. From Beaulien the 21st of June.

Your assured friend to my power, MARY."

The Council to the Lady Mary the 24th of June, 1551.

"After our humble commendations to your grace, we have received your grace's letter of the one and twentieth hereof, wherein is received the same request that in your former letters hath been made for the release of doctor Mallet, and therein also your grace seemeth to have looked for the same answer of your former letter, the which indeed partly was omitted (as your grace conjectureth) by the reason of the king's majesty's affairs, wherewith we be thoroughly occupied; partly for that we had no other thing to answer, than you had heretofore heard in the same matter. And therefore where your grace desireth a resolute answer, we assure the same we be right sorry for the matter, and that it should be your grace's chance to move it, sith we cannot with our duties to the king's majesty accomplish your desire. So necessary a thing it is to see the laws of the realm executed indifferently in all manner of persons, and in these cases of contempt of the ecclesiastical orders of this church of England, that the same may not, without the great displeasure of God, and the slander of the state, be neglected: and therefore your grace may please to understand, that we have not only punished your chaplain, but all such others whom we find in like case to have disobeyed the laws of the king's majesy. And touching the excuse your grace oftentimes useth, of a promise made, we assure your grace, none of us all, nor any other of the council, as your grace hath been certified, hath ever been privy to any such promise, otherwise than hath been written. And in that matter your grace had plain answer both by us of the king's majesty's council, at your being last in his majesty's presence; and therein also your grace might perceive his majesty's determination; whereunto we beseech your grace not only to incline yourself, but also to judge well of us that do addict ourselves to do our duties. And so also shall we be ready to do, with all our hearts, our due reverence toward your grace, whose preservation we commend to Almighty God with our prayer."

The Lady Mary's Letter to the King's Majesty.

"My duty most humbly remembered to your majesty; it may please the same to be advertised, that I have received by my servants your most honourable letters, the contents whereof do not a little trouble me, and so much the more, for that any of my said servants should move or attempt me in matters touching my soul, which I think the meanest subject within your highness realm could evil bear at their servants hands, having for my part utterly refused heretofore to talk with them in such matters, and of all other persons least regarded them therein, to whom I have declared what I think, as she which trusted that your majesty would have suffered me your poor sister and beadwoman to have used the accustomed mass, which the king your father and mine with all his predecessors did evermore use. Wherein also I have been brought up from my youth. And thereunto my conscience doth not only bind me, which by no means will suffer me to think one thing, and do another, but also the promise made to the emperor by your majesties council was an assurance to me, that in so doing I should not offend the laws, although they seem now to qualify and deny the thing. And at my last waiting upon your majesty, I was so bold to declare my mind and conscience to the same, and desired your highness, rather than you should constrain me to leave mass, to take away my life, whereunto your majesty made me a very gentle answer. And now I most humbly beseech your highness to give me leave to write what I think touching your majesty's letters. Indeed, they be signed with your own hand, and nevertheless (in mine opinion) not your majesty's in effect, because it is well known (as heretofore I have declared in the presence of your highness) that although, our Lord be praised, your majesty hath far more knowledge and greater gifts than other of your years, yet it is not possible that your highness can at these years be a judge in matters of Religion: and therefore I take it that the matter in your letters proceedeth from such as do wish those things to take place which be most agreeable to themselves, by whose doings, your majesty not offended, I intend not to rule my conscience. And thus without molesting your highness any further, I humbly beseech the same, even for God's sake, to bear with me as you have done, and not to think that by my doings or example any inconvenience might grow to your majesty or your realm: for I use it not after such sort, putting no doubt but in time to come, whether I live or die, your majesty shall perceive that mine intent is grounded upon a true love towards you, whose royal estate I beseech Almighty God long to continue, which is and shall

be my daily prayer according to my duty. And after pardon craved of your majesty for these rude and bold letters, if neither at my humble suit, nor for the regard of the promise made to the emperor, your highness will suffer and bear with me as you have done, till your majesty may be a judge herein yourself, and rightly understand their proceedings, (of which your goodness yet I despair not:) otherwise rather than to offend God and my conscience, I offer my body at your will, and death shall be more welcome than life with a troubled conscience; most humbly beseeching your majesty to pardon my slowness in answering your letters. For mine old disease would not suffer me to write any sooner. And thus I pray Almighty God to keep your majesty in all virtue and honour, with good health and long life to his pleasure. From my poor house at Copped Hall the 19th of August. Your majesty's most humble sister, Mary."

The King's Letters to the Lady Mary.

"Right dear and right entirely beloved sister, we greet you well, and let you know that it grieveth us much to perceive no amendment in you, of that which we for God's cause, your soul's health, our conscience, and the common tranquillity of our realm, have so long desired: assuring you that our sufferance hath much more demonstration of natural love, than contentation of our conscience, and foresight of our safety. Wherefore although you give us occasion, as much almost as in you is, to diminish our natural love; yet we be loth to feel it decay, and mean not to be so careless of you as we be provoked.—And therefore meaning your weal, and therewith joining a care not to be found guilty in our conscience to God, having cause to require forgiveness that we have so long for respect of love toward you omitted our bounden duty, we send at this present our right trusty and right well-beloved counsellor the lord Rich chancellor of England, and our trusty and right well-beloved counsellors, sir Anthony Wingfield, knight, controller of our houshold, and sir Wm. Paget, knight, one of our principal secretaries, in message to you, touching the order of your house, willing you to give them firm credit in those things they shall say to you from us, and do there in our name. Given under our signet at our castle of Windsor, the 24th of August, in the first year of our reign."

The King's Instructions given to the said Lord Chancellor, sir R. Wingfield, and sir Wm. Paget, knights, &c. 24th of August, 1551.

"First you the said lord chancellor and your colleagues shall make your immediate repair to the said lady Mary, giving to her his majesty's hearty commendations, and shew the cause of your coming to be as followeth.—Although his majesty hath long time, as well by his majesty's own mouth and writing, as by his council, travelled that the said lady being his sister, and a principal subject and member of his realm, should both be indeed and also shew herself conformable to the laws and ordinances of the realm, in the profession and rites of religion, using all the gentle means of exhortation and advise that could be devised, to the intent that the reformation of the fault might willingly come of herself, as the expectation and desire of his majesty and all good wise men was: yet notwithstanding his majesty seeth that hitherto no manner of amendment hath followed, but by the continuance of the error and manifest breach of his laws no small peril consequently may hap to the state of his realm, especially the sufferance of such a fault being directly to the dishonour of God, and the great offence of his majesty's conscience, and all other good men: and therefore of late, even with the consent and advice of the whole state of his privy council, and divers others of the nobility of his realm, whose names ye may repeat, if you think convenient, his majesty did resolutely determine it just, necessary and expedient, that her grace should not in any wise use or maintain the private mass, or any other manner of service, than such as by the law of the realm is authorised and allowed; and to participate this his majesty's determination to her grace, it was thought in respect of a favourable proceeding with herself, to have the same, not only to be manifested by her own officers and servants, being most esteemed with her, but also to be executed with them in her house, as well for the quiet proceeding in the very matter, as for the less molesting of her grace with any message by strangers, in that time of her solitariness, wherein her grace was then by reason of the late sickness. For which purpose her three servants, Rochester, Englefield, and Walgrave were sent in message in this manner. First to deliver his majesty's letter to her, next to discharge the complaints of saying mass, and prohibiting all the household from hearing any. Wherein the king's majesty perceiveth upon their own report, being returned to the court, how negligently, and indeed how falsely, they have executed their commandment and charge, contrary to the duty of good subjects, and to the manifest contempt of his majesty. Insomuch as manifestly they have before his majesty's council refused to do that which pertaineth to every true faithful subject, to the offence so far of his majesty and derogation of his authority, that in no wise the punishment of them could be forborn: and yet in the manner of the punishment of them, his majesty and his council hath such consideration and respect of her person, being his sister, that without doubt his majesty could not with honour have had the like consideration or favour in the punishment of the dearest counsellor he hath, if any of them had so offended: and therefore his majesty hath sent you three not only to declare to her grace the causes of their sending thither of late his officers in message, but also the causes of their absence now presently. And further, in the default of the said officers, to take order, as well with her chap-

lains, as with the whole household, that his majesty's laws may be there observed. And in the communication with her, you shall take occasion to answer in his majesty's name certain points of her Letter, sent now lately to his majesty. The copy of which letter is now also sent you to peruse, for your better instruction how to proceed therein. First, her allegation of the promise made to the emperor must be so answered, as the truth of the matter serveth, whereof every of you have heard sufficient testimony divers times in the council. For her offering of her body at the king's will, rather than to change her conscience, it grieveth his majesty much, that her conscience is so settled in error, and yet no such thing is meant of his majesty, nor of any one of his council once to hurt, or will evil to her body, but even from the bottom of their heart they wish to her *Mentem sanam in corpore sano.* And therefore ye shall do very well to persuade her grace, that this proceeding cometh only of the conscience the king hath to avoid the offence of God, and of necessary counsel and wisdom to see his laws in so weighty causes executed. Item, because it is thought that Rochester had the care and consideration of her grace's provision of household, and by his absence the same might either be disordered or disfurnished; his majesty hath sent a trusty skilful man of his own houshold, to serve her grace for the time. Who also is sufficiently instructed of Rochester of the state of her things of houshold. And if there shall be any thing lacking in the same, his majesty's pleasure is, that his servant shall advertise his own chief officers of houshold, to the intent if the same may be supplied of any store here or other where helped conveniently, her grace shall not lack.—Item, having thus proceeded with her grace, as for the declarations of the causes of your coming, ye shall then cause to be called afore you the chaplains, and all the rest of the houshold there present, and in the king's majesty's name most straitly forbid the chaplains either to say or use any mass or kind of service, other than by the law is authorised; and likewise ye shall forbid all the rest of the company to be present at any such prohibited service, upon pain to be most straitly punished, as worthily falling into the danger of the king's indignation, and alike charge to them all, that if any such offence shall be openly or secretly committed, they shall advertise some of his majesty's council. In the which clause ye shall use the reasons of their natural duty and allegiance that they owe as subjects to their sovereign lord, which derogateth all other earthly duties.—Item, if you shall find either any of the priests, or any other person, disobedient to this order, ye shall commit them forthwith to prison, as ye shall think convenient.—Item, forasmuch as ye were privy to the determination at Richmond, and there understood how necessary it was to have reformation herein; his majesty upon the great confidence he hath in your wisdom and uprightness, remitteth to your discretion the manner of the proceeding herein, if any thing shall chance to arise there that in your opinions might otherwise than according to these instructions, conduce you to the execution of your charge, which in one sum is to avoid the use of the private mass, and other unlawful service in the house of the said Lady Mary.—Item, ye shall devise by some means as you may, to have understanding after your departure, how the order you give is observed, and as you shall judge fit, to certify hither."

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44. Proceedings against Stephen Gardiner, bishop of Winchester, for opposing the Reformation of Religion, and disobeying the King's Orders and Injunctions respecting the same: 5 Edw. VI. A. D. 1551. [Fox's Acts and Monum. 711.]

First we will set before the reader the copy of a certain Writ or Evidence against the said Bishop, wherein, as in a brief sum, generally is described the whole order and manner of his misordered demeanour, copied out of the public Records in manner as followeth:

The Writ or Evidence touching the Order and Manner of the Misdemeanor of Winchester, with Declaration of the Faults wherewith he was justly charged.

"Whereas the king's majesty, by the advice of the Lord Protector and the rest of his highness's privy council, thinking requisite for sundry urgent considerations to have a general visitation throughout the whole realm, did about ten months past address forth Commissioners, and by the advice of sundry bishops and other the best learned men of the realm, appointed certain orders or injunctions to be generally observed; which being such as in some part touched the reformation of many abuses, and in other parts concerned the good governance and quiet of the realm, were (as reason would) of all men of all sorts obediently received, and reverently observed and executed, saving only of the bishop of Winchester, who as well by conference with other, as by open protestation and letters also, shewed such a wilful disobedience therein, as if it had not been quickly espied, might have bred much unquietness and trouble: upon the knowledge thereof he being sent for, and his lewd proceedings laid to his charge, in the presence of the whole council, so used himself, (as well in denying to receive the said Orders and Injunctions, as otherwise) as he was thought worthy most sharp punishment: and yet considering the place he

had been in, he was only sequestered to the Fleet, where after he had remained a certain time, as much at his ease as if he had been at his own house, upon his promise of conformity he was both set at liberty again, and also licensed to repair to and remain in his diocese at his pleasure. Where when he was, forgetting his duty, and what promise he had made, he began forthwith to set forth such matters, as bred again more strife, variance, and contention in that one small city and shire, than was almost in the whole realm after. Besides that, the lord protector's grace and the council were informed, that, to withstand such as he thought to have been sent from their grace and lordships into those parts, he had caused all his servants to be secretly armed and harnessed, and moreover when such preachers, as being men of godly life and learning, were sent into that diocese by his grace and lordships to preach the word of God, had appointed to preach, the bishop, to disappoint and disgrace them, and to hinder his majesty's proceedings, did occupy the pulpit himself, not fearing in his sermon to warn the people to beware of such new preachers, and to embrace none other doctrine but that which he had taught them, (than the which words none could have been spoken more perilous and seditious.) Whereupon, being eftsoons sent for, and their grace and lordships objecting to him many particular matters, wherewith they had just cause to charge him, they did in the end upon his second promise leave him at liberty, only willing him to remain at his house at London, because they thought it most meet to sequester him from his diocese for a time; and being come to his house, he began afresh to ruffle and meddle in matters, wherein he had neither commission nor authority; part whereof touched the king's majesty. Whereof being yet once again admonished by his grace and their lordships, he did not only promise to conform himself in all things like a good subject, but also because he understood that he was diversly reported of, and many were also offended with him, he offered to declare to the world his conformity, and promised in an open sermon so to open his mind in sundry articles agreed upon, that such as had been offended, should have no more cause to be offended, but well satisfied in all things. Declaring further, that as his own conscience was well satisfied, and liked well the king's proceedings within this realm, so would he utter his conscience abroad, to the satisfaction and good quiet of others. And yet all this notwithstanding, at the day appointed, he did not only most arrogantly and disobediently, and that in the presence of his majesty, their grace and lordships, and of such an audience as the like whereof hath not lightly been seen, speak of certain matters contrary to an express commandment given to him on his majesty's behalf, both by mouth and by letters, but also in the rest of the articles whereunto he had agreed before, used such a matter of utterance as was very like even there presently, to have stirred a great tumult, and in certain great matters touching the policy of the realm, handled himself so colourably, as therein he showed himself an open great offender, and a very seditious man: forsomuch as these his proceedings were of such sort, as being suffered to escape unpunished might breed innumerable inconveniences, and that the clemencies shewed to him afore, by their grace and lordships, did work in him no good effect, but rather a pride and boldness to demean himself more and more disobediently against his majesty's and his grace's proceedings, it was determined by their grace and lordships, that he should be committed to the Tower, and be conveyed thither by sir Anthony Wingfield, and that at the time of his committing, sir Ralph Sadler and William Hunnings, clerk of the council, should seal up the doors of such places in his house as they should think meet; all which was done accordingly."—By this evidence abovementioned, first here is of the reader to be noted, how lewdly and disobediently the said Stephen Gardiner misused himself in the king's general visitation, in denying to receive such orders and injunctions, as for the which he justly deserved much more severe punishment, albeit the king with his uncle the lord protector, more gently proceeding with him, were contented only to make him taste the Fleet. In the which house, as his durance was not long, so his intreating and ordering was very easy. Out of the which Fleet, divers and sundry letters he wrote to the lord protector and other of the council, certain also to the archbishop of Canterbury, and some to master Ridley bishop of London; the particulars were too long here to rehearse, considering how this book is overcharged as ye see already; and especially seeing the same to be notified in our first edition sufficiently, as is aforesaid. Wherefore, omitting the rehearsal of these said letters, and referring the reader to the book aforesaid, I will only repeat one letter of the said bishop, with the answers of the lord protector unto the same; the contents whereof be these as follow.

A Letter of Winchester to Master Vaughan.

"Master Vaughan, after my right hearty commendations: In my last letters to my lord protector, signifying, according to the general commandment by letters given to all justices of peace, the state of this shire, I declared (as I supposed true) the shire to be in good order, quiet, and conformity, for I had not then heard of any alteration in this shire, which the said letters of commandment did forbid. Now of late within these two days, I have heard of a great and detestable (if it be true that is told me) innovation in the town of Portsmouth, where the images of Christ and his saints have been most contemptuously pulled down, and spitefully handled. Herein I thought good both to write to you and the mayor, the king's majesty's chief ministers, as well to know the truth, as to consult with you for the reformation of it, to the intent I may be seen to discharge

my duty, and discharging it indeed both to God and to the king's majesty, under whom I am here appointed to have cure, and care to relieve such as be by any ways fallen, and preserve the rest that stand from like danger. Ye are a gentleman with whom I have had acquaintance, and whom I know to be wise, and esteem to have more knowledge, wisdom, and discretion, than to allow any such enormities, and therefore I do the more willingly consult with you herein, with request friendly to know of you the very truth in the matter, who be the doers, and the circumstances of it, and whether you think the matter so far gone with the multitude, and whether the reproof and disproving of the deed, might without a further danger be enterprised in the pulpit, or not, minding, if it may so be, to send one thither for that purpose upon Sunday next coming. I would use preaching as it should not be occasion of any further folly where a folly is begun, and to a multitude, persuaded in the opinion of destruction of images, I would never preach. For (as Scripture willeth us) we should cast no precious stones before hogs. Such as be infected with that opinion, they be hogs and worse than hogs, if there be any grosser beasts than hogs be, and have been ever so taken, and in England they are called Lollards, who denying images, thought therewithal the crafts of painting and graving to be generally superfluous and naught, and against God's laws.—In Germany, such as maintained that opinion of destroying of images, were accounted the dregs cast out by Luther after he had tunned all his brewings in Christ's religion, and so taken as hogs meat. For the reproof of whom Luther wrote a book specially, and I have with mine eyes seen the images standing in all churches, where Luther was had in estimation. For the destruction of images containeth an enterprise to subvert religion and the state of the world with it, and especially the nobility, who by images set forth and spread abroad to be read of all people, their lineage, parentage, with remembrance of their state and acts; and the pursuivant carrieth not on his breast the king's name written with such letters as a few can spell, but such as all can read, be they never so rude, being great known letters in images of three lions, and three flowers de luce, and other beasts holding those arms. And he that cannot read the scripture written about the king's great seal, yet he can read saint George on horseback on the one side, and the king sitting in his majesty on the other side, and readeth so much written in those images, as if he be an honest man, he will put off his cap, and although if the seal were broken by chance, he would and might make a candle of it, yet he would not be noted to have broken the seal for that purpose, or to call it a piece of wax only whilst it continueth whole. And if by reviling of stocks and stones, in which matter images be graven, the setting of the truth to be read in them of all men shall be contemned; how shall such writing continue in honour as is comprised in clouts and pitch, whereof and whereupon our books be made, such as few can skill of, and not the hundredth part of the realm? and if we a few that can read, because we read in one sort of letters, so privileged as they have many reliefs, shall pull away the books of the rest, and would have our letters only in estimation, and blind all them, shall not they have just cause to mistrust what is meant? And if the cross be a truth, and if it be true that Christ suffered, why may we not have a writing thereof, such as all can read, that is to say an image? If this opinion should proceed, when the king's majesty hereafter should shew his person, his lively image, the honour due by God's law among such might continue; but as for the king's standards, his banners, his arms should hardly continue in their due reverence for fear of Lollards idolatry, which they gather upon scripture beastly, not only untruely. The scripture reproveth false images made of stocks and stones, and so it doth false men made of flesh and bones. —When the emperor's money was shewed to Christ, wherein was the image of the emperor, Christ condemned not that image calling it an idol, nor noted that money to be against God's law, because it had an image in it, as though it were against the precept of God, Thou shalt have no graven image; but taught them good civility, in calling it the emperor's image, and bid them use the money as it was ordered to be used in his right use.—There is no scripture that reproveth truth, and all scripture reproveth falsehood. False writings, false books, false images and false men, all be nought, to be contemned and despised; as for paper, ink, parchment, stones, wood, bones, A. B. of the Chancery hand, and A. B. of the Secretary hand, a letter of Germany fashion, or of any other form, they be all of one estimation, and may be, of man inclining to the devil, used for falsehood, or applying to God's gracious calling, used to set forth truth. It is a terrible matter to think, that this false opinion conceived against images should trouble any man's head: and such as I have known vexed with that devil (as I have known some) be nevertheless wonderously obstinate in it: and if they can find one that can spell Latin to help forth their madness, they be more obdurate than ever were the Jews, and slander whatsoever is said to them for their relief. Of this sort I know them to be, and therefore if I wish there were many of that sort with you, I would not irritate them by preaching without fruit, but labour for reformation to my Lord Protector. But if you thought there might be other ways used first to a good effect, I would follow your advice, and proceeding with you and the mayor, with both your helps to do that may lie in me to the redress of the matter; which I take to be such an enterprise against Christ's religion, as there cannot be a greater by man excogitate with the devil's instigation, and at this time much hurtful to the common state, as ye can of your wisdom consider. Whom I heartily desire and pray to send me answer by this bearer to these

my letters, to the intent I may use myself in sending of a preacher thither, or writing to my Lord Protector, as the case shall require accordingly. And thus fare you heartily well. From my house at Wolvesey, the 3rd of May, 1547. Steph Wint.

A Letter of the Lord Protector answering to the Letter above.*

After hearty commendations, I received of late two letters from your lordship, the one inclosed in a letter of master Vaughan's to us, and directed to him, the other directed straight unto us, very wittily and learnedly written, whereby we do perceive how earnest you are that no innovations should be had. The which mind of yours as we do highly esteem and allow, proceeding from one that would quietness, so we would likewise wish, that you should take good heed that too much fear of innovation or disturbance doth not cause both of them to be. Many times in an host, he that crieth enemies! enemies! when there be none, causeth not only disturbance, but sometimes a mutiny or rebellion to be made, and he that for fear of a sickness to come taketh unadvisedly a purgation, sometimes maketh himself sick indeed. We perceive by the said your letters, that hainouser facts and words have been brought to your cares, than there was cause why: and those facts which were punishable be already by him redrest.—For the matter of Images, an order was taken in the late king of famous memory our sovereign lord's days. When the abused images (yet lurking in some places by negligence of them who should ere this time have looked unto the same), be now abolished, let not that be a matter of the abolishing of all images. Though felons and adulterers be punished, all men be not slain. Though the images which did adulterate God's glory be taken away, we may not think by and by all manner of images to be destroyed. Yet after our advice, better it were for a time to abolish them all; than that for the dead images the king's loving subjects, being faithful and true to the king's majesty, should be put to variance and disturbance. With quietness the magistrates and rulers shall keep them well in order, whom contentious preachers might irritate and provoke to disorder and strife. So it must be provided that the king's majesty's images, arms and ensigns, should be honoured and worshipped, after the decent order and invention of human laws and ceremonies, and nevertheless that other images, contrary to God's ordinances and laws, should not be made partakers of that reverence, adoration and invocation, which (forbidden by God) should derogate his honour, and be occasion to accumulate God's wrath upon us. Where they be taken for a remembrance, it maketh no great matter though they stand still in the church or market stead, following the late king of famous memory his counsel and order; yet more gentleness was shewed to those books of images, than to the true and unfeigned books of God's word, both being abused, the one with idolatry, the other with contention. The Scripture was removed for a time from certain persons, and almost from all: the images were left still to them who most did abuse them, the thing being yet closed from them which should teach the use. Wherefore it may appear unto us meet, more diligenter heed to be taken that the abused before be not abused again, the advantage of some priests, simplicity of laymen, and great inclination of man's nature to idolatry giving cause thereto.—They that condemn images, because the matter that they are made of is but vile, as stocks and stones, may likewise despise printing in paper because the ink hath pitch in it, and the paper is made of old rags. And if they be both alike, it might be reasoned why a man should be more aggrieved, that an image of wood, though it were of St. Anne, or St. Margaret, should be burned, than he will that the Bible, wherein the undoubted word of God is comprised, should be torn in pieces, burned or made paste of. Nor do we now speak of false Bibles, nor false gospels, but of the very true gospel, either in Latin, Greek, or English, which we see every day done, and sometime commanded, because the translator displeaseth us; and yet herein no man exclaimeth of a terrible and detestable fact done. But let one image either for age, and because it is worm-eaten, or because it hath been foolishly abused, be burnt or abolished, by and by some men are in exceeding rage, as though not a stock or a stone, but a true saint of flesh and bone should be cast into the fire, which were a detestable and a terrible sight. We cannot see but that images may be counted marvellous books to whom we have kneeled, whom we have kissed, upon whom we have rubbed our beads and handkerchiefs, unto whom we have lighted candles, of whom we have asked pardon and help, which thing hath seldom been seen done to the gospel of God, or the very true Bible. For who kissed that but the priest at the mass, at a painted picture, or in such a ceremony? Or who kneeleth unto it, or setteth a candle before it? and yet it seeth or heareth, as well as the images or pictures either of St. John, or our Lady, or Christ.—Indeed images be great letters; yet as big as they be, we have seen many which have read them amiss. And be like they be so likely to be read amiss, that God himself, fearing the Jews to become evil readers of them, generally did forbid them. Nor is it any great marvel though in reading of them the lay-people are many times deceived, when your lordship, as appeareth, hath not truly read a most true and a most common image. Your lordship hath found out, in the king's highness great seal, St. George on horseback, which the graver never made in it, nor the sealer ever sealed with it; and this inscription is not very little, and if it were, it could not escape your lordship's eyes. As the ja-

* Edward duke of Somerset. See No. 41 and 42.

scription testifieth, the king's image is on both the sides; on the one side as in war the chief captain; on the other side as in peace the liege sovereign; in harness with his sword drawn to defend his subjects; in his robes in the seat of justice with his sceptre rightfully to rule and govern them, as he whom both in peace and war we acknowledge our most natural and chiefest head, ruler and governor. If it were St. George, my lord, where is his spear and dragon? And why should the inscription round about tell an untruth, and not agree to the image? Yet it is called sometimes so of the rude and ignorant people; but not by and by, that, that is commonly called so, is always truest. And some have thought that by like deceiving, as your lordship herein appeareth to have been deceived, the image of Bellerophon or Perseus was turned first and appointed to be St. George, and of Polyphemus, of Hercules, or of some other Colossus, to be St. Christopher, because authentical histories have not fully proved their two lives. But those be indifferent to be true or not true, either thus invented upon some devise, or rising of a true fact or history, and whether it were true or not, it maketh no great matter.—It were hardly done indeed, my lord, if that you, and a few which can read, should take away from the unlearned multitude their books of their images: but it were more hardly done, if that you or a few which can read in one or two languages, (as Greek and Latin) the word of God, and have had thereby many reliefs and privileges, should pull away the English books from the rest which only understand English; and would have only your letters of Greek and Latin in estimation, and bind all them, which understand not these languages, from the knowledge of God's word. And indeed, my lord, by your saying, they have just occasion to suspect what is meant.—What you mean by true images and false images, it is not so easy to perceive. If they be only false images, which have nothing that they represent, as St. Paul writeth, An idol is nothing, because there is no such god, and therefore the cross can be no false image, because it is true that Christ suffered upon it: then the image of the sun and the moon were no idols, for such things there be as the sun and the moon, and they were in the image then so represented, as painting and carving doth represent them. And the image of Ninus and Cesar, and (as some write) the images of all the 12 chosen gods (as they called them) were the images of once living men. And it might be said that the image of God the Father hath no such eyes, nose, lips, and a long grey beard, with a furred robe, nor ever had, as they carve and paint him to have: But if that be a false image and an idol which is otherwise worshipped and accepted than it ought to be, as the brazen serpent, being a true image and representation of Christ, by abuse was made an idol; it may be thought in times past, and peradventure now at this time, in some places, the images not only of St. John or St. Anne, but of our lady and Christ be false images and idols, representing to foolish, blind and ignorant mens hearts and thoughts, that which was not in them, and they ought not to be made for. The which were by you, my lord, to have been remóved sooner, and before that the captain there should have need to have done it. But if your lordship be slack in such matters, he that removeth false images and idols abused doth not a thing worthy of blame.—Christ called not the money, having Cæsar's image in it, an idol, when it was used to lawful uses, and to pay the due tribute withal. But when a man doth not use those images graven in money to do his neighbour good and the commonwealth service, saint Paul, Christ's disciple, called that covetousness, and the serving and bondage to idols. So that even in money may be idolatry, if we make too much of those images which Christ here doth not reprehend. There be some so ticklish and so fearful one ways, and so tender stomached, that they can abide no old abuses to be reformed, but think every reformation to be a capital enterprise against all religion and good order: as there be on the contrary side some too rash, who having no consideration what is to be done, headlong will set upon every thing. The magistrate's duty is betwixt these, so in a mean to see and provide that old doting should not take further or deeper rust in the commonwealth, neither ancient error overcome the seen and tried truth nor long abuse, for the age and space of time only, still be suffered: and yet all these with quietness and gentleness, and without all contention, if it were possible, to be reformed. To the which your lordship, as a man to whom God hath given great qualities of wit, learning, and persuasion, could bring great help and furtherance, if it were your pleasure, with great thanks of men and reward of God. The which thing is our full desire and purpose, and our hearty and daily prayer to God, that in the king's majesty's time, whose majesty's reign God preserve, all abuses with wisdom reformed, Christ's religion with good and politic order of the Commonwealth, without any contention and strife among the king's subjects, might flourish and daily increase. And this to your lordships letter sent to master Vaughan of Portsmouth.

Winchester to the Lord Protector.

May it please your grace to understand, that I have noted some points in my lord of Saint David's sermon, which I send unto you herewith, whereby to declare unto you some part what I think, for the whole I cannot express: somewhat I shall incumber you with my babbling, but he hath incumbered some friends more with his tattling. And alas, my lord, this is a piteous case, that having so much business as ye have, these inward disorders should be added unto them, to the courage of such as would this realm any ways evil. For this is the thing they would desire, with hope thereby to disorder this realm, being now a time rather so

repair that which needeth reparation, than to make any new buildings which they pretend. Quiet, tranquillity, unity, and concord shall maintain estimation. The contrary may animate the enemy to attempt that which was never thought on, which God forbid. There was never attempt of alteration made in England, but upon comfort of discord at home, and woe be to them that mind it. If my lord of Saint David's, or such others, have their head cumbered with any new platform, I would wish they were commanded, between this and the king's majesty's full age, to draw the plat, diligently to hew the stones, dig the sand, and chop the chalk in the unseasonable time of building, and when the king's majesty cometh to full age, to present their labours to him, and in the mean time not to disturb the state of the realm, whereof your grace is protector, but that you may in every part of religion, laws, lands, and decrees (which four contain the state) deliver the same unto our sovereign lord, according unto the trust you be put in, which shall be much to your honour, and as all honest men wish and desire. To which desired effect there can be nothing so noisome and contrarious, as trouble and disquiet. Wherein your grace shall be specially troubled, as on whose shoulders all the weight lieth; and whatsoever shall happen amiss by the faults of other, shall be imputed to your grace, as doer thereof, or wanting foresight in time to withstand the same. And albeit that you mind not to be faulty in either, yet if the effect be not to the realm as it were to be wished, the prince though he were of age should be excused, and the governors bear the blame. And this is the infelicity of preheminence and authority, and specially in this realm, as stories make mention, which should not discourage you, for you need fear nothing without, if quiet be reserved at home; and at home if the beginning be resisted, the intended folly may easily be interrupted. But if my brother of Saint David's may like a champion with his sword in his hand, make enter for the rest, the door of licence opened, there shall more by folly thrust in with him than your grace would wish. Thus, as I think, I write homely to your grace, because you were content I should write, wherein I consider only to have all things well. And because your grace is the protector, and the chief director of the realm, to present unto your wisdom, what my folly is, I have been oftentimes blamed for fearing over much, and yet I have had an inkling that they that so blamed me, feared even as much as I. Being in the state that you be in, it shall be ever commendable to foresee the worst. In quiet ye be strong; in trouble ye be greatly weak, and bring yourself in danger of one part, when parties be, therewith one to scourge the other. Whereas in concord they be both yours, in an honest, reverent, lovely fear to do their duty, which I doubt not your wisdom can consider. And consider also how noisome any other outward incumber might be in the time of the minority of our sovereign lord. I told the emperor's council, That our late sovereign lord did much for the emperor, to enter war with him, and to put his realm in his old days in the adventure of fortune, whether he should enjoy it or no, for that is the nature of war. And sometime the contemned and abject have had the upper hand. And when ye administer the realm for another, it were a marvellous question of him that shall enjoy the realm, to say, what meant you in the time of administration to adventure my realm; Why took ye not rather for the time of my minority any peace whatsoever it were, which is better than the best war, as some men have written? I know you have authority sufficient, and wisdom plenty, and yet being entered to write, I forget for the time what ye be, and commune with you as I were talking at Brussels with you, devising of the world at large. And if I were sworn to say what I think of the state of the world, I would for a time let Scots be Scots, with despair to have them, unless it were by conquest, which shall be a goodly enterprise for our young master when he cometh to age. And in the mean time prepare him money for it, and set the realm in an order which it hath need of. And for a stay, if the emperor would offer the king of Romans' daughter, as he did: do with him in our minister's minority, as he did with us in his, whereby all this hath chanced unto him. And by this alliance your estimation shall encrease, and our sovereign lord's surety not a little encrease and be augmented. For of France it must be taken for a rule, they be so wanton, they cannot do well longer than they see how they may be scourged if they do not. Here is all the wit that I have, which I offer unto you upon this occasion of writing, and shall pray God to put into your mind that which shall be for the best, as I trust he will; and in the mean time to extinguish this barbarous contention at home, which can serve only to do hurt, and no good. I had fashioned a letter to Master Ridley, which I send unto your grace, and incumber you with these melancholy writings, ingendered of this fondness, which be not worth the reading. And so it may like you to use them, for having heard that which ye have said unto me, and otherwise heard and seen what you do, I shall go occupy my wit in other matters, and now such as have fond enterprises shall see that I letted not their follies, which they called God's word. But for his time the king our sovereign lord that dead is, and after his time you have done much to your honour and reputation; howsoever any shall be here not contented; which miscontention hath been so fond in some, as they have burst out and wished, that they might without breach of his laws kill me: which is to me a token of a marvellous fury, which had been cause why I am glad both to depart hence, and to depart the sooner, and pray to God to order all things for the best, with preservation of our sovereign lord, and increase of your grace's honour.

At my house in Southwark, the last of February. Your grace's humble beadman,

S. W.

Another Letter of Winchester.

After my humble commendations to your grace, it may like the same to understand, I have seen of late two books set forth in English by Bale, very pernicious, seditious, and slanderous. And albeit that your grace needeth not mine advertisement in that matter, yet I am so bold to trouble your grace with my letters for mine own commodity, wherewith to satisfy mine own conscience, to write and say as becometh me in such matters, which I desire your grace to take in good part. For it grieveth me not a little, to see, so soon after my late sovereign lord and master's death, a book spread abroad more to his dishonour (if a prince's honour may be by vile inferior subjects impeached) than professed enemies have imagined, to note a woman to have suffered under him as a martyr, and the woman therewith to be by Bale's own elucidation, as he calleth it, so set forth and painted as she appeareth to be, and is boasted to be a sacramentary, and by the laws worthy (as she suffered) the pains of death; such like things have by stealth in our late sovereign lord's days gone abroad as they do now. And as I am wont in such cases to speak, I keep my wont to write to your grace now, in whose hands I know the state of the realm to be for the time in government, and to whom, for respects of old acquaintance, I wish all felicity. In these matters of religion I have been long exercised, and have, thanks be to God, lived so long as I have seen them thoroughly tried, and besides that I have learned in written books of authority, I have perceived by books written without authority, as by Master Bale, Joy, and other, and especially as Bale useth now, that Scripture doth, by abuse, service to the right hand and the left at once, insomuch as at one time Bale praiseth Luther, and setteth his death forth in English, with commendations as of a saint, which Luther (whatsoever he was otherwise) stoutly affirmed the presence really of Christ's natural body in the Sacrament of the altar. And yet Bale, the noble clerk, would have Anne Askew, blasphemously denying the presence of Christ's natural body, to be taken for a saint also. So as Bale's saints may vary in heaven, if they chance not by the way; which might suffice to disprove the man's credit, if thwarting talk were more desired of many than the truth indeed, which truth was supposed to have been both in writing and exercise well established, long before our late lord's death; and Bale and his adherents in their madness plainly reproved and condemned. I cannot forget, your grace told me you would suffer no innovation: and indeed if you deliver this realm to the king at 18 years of age, as the king his father, whose soul God assoil, left it, as I trust you shall, the act is so honourable and good, as it were pity to trouble it with any innovation, which were a charge to your grace more than needed, being already burthened heavily. And albeit in the commonwealth every man hath his part, yet as God hath placed you, the matter is, under the king's majesty, chiefly yours, and as it were yours alone. Every man hath his eye directed unto you both here and abroad, you shall shadow mens doings if they be done, which is one incommodity of high rule. And for my part, besides my duty to the king's majesty and the realm, I would that your grace, in whom, since your government, I have found much gentleness and humanity, had as much honour with good success as ever any had, and pray to God that men would let your grace alone, and suffer the realm in the time of your government in quiet among ourselves, whereby we may be the more able to resist foreign trouble, which your grace doth prudently foresee. Certain printers, players, and preachers make a wonderment, as though we knew not yet how to be justified, nor what Sacraments we should have. And if the agreement in religion made in the time of our late sovereign lord be of no force in their judgment, what establishment could any new agreement have? And every incertainty is noisome to any realm. And where every man will be master, there must needs be uncertainty. And one thing is marvellous, that at the same time it is taught that all men be liars, at the self-same time almost every man would be believed; and amongst them Bale, when his untruth appeareth evidently in setting forth the examination of Anne Askew, which is utterly misreported. I beseech your grace to pardon my babbling with you. But I see my late sovereign lord and master slandered by such simple persons*,

* The following passage, in another part of Fox's work, is worthy of insertion here:

"Forsomuch as mention is inserted in this place of the good inclination of king Henry in his latter days to the reformation of religion, by the occasion hereof it cometh also to mind, somewhat likewise to add by way of appendix touching the talk between the archbishop of Canterbury Thomas Cranmer, and the duke of Suffolk Charles Brandon, as concerning the king's purpose and intent conceived against the bishop of Winchester Steven Gardiner, in that he could never allow any reformation in religion in this realm, and, namely, being offended with this, that men should use in their talk, The Lord, as well as our Lord; the said duke said unto the said archbishop, We of the counsel had him once at a good lift, and should well have dispatched him from his authority, if the king's majesty our master had stayed himself from admitting him to his presence, as then his highness was content that we should thoroughly have sifted and tried him. It was, my lord, quoth the duke to the archbishop, at that time when Gardiner his secretary was attached, and suffered for defending the Pope's authority. For then I and certain of the counsel having conference with the king's majesty for that matter,

religion assaulted, the realm troubled, and peaceable men disquieted, with occasion given to enemies to point and say, that after Wickliffe's strange teaching in the Sacraments of Christ's Church hath vexed other, it is finally turned unto us to molest and scourge us, for other fruit cannot Bale's teaching have, ne the teaching of such other as go about to trouble the agreement established here. In which matter I dare not desire your grace specially to look earnestly unto it, lest I should seem to note in you that which becometh me not. And I know, that your grace being otherwise occupied, these things may creep in as it hath been heretofore; sometime it may be hard for your grace to find out or pull out the root of this naughtiness: but yet I am so bold to write of these, of mine own stomach, who have ever used, for discharge of myself, to say and write in time and place as I thought might do good for relief of the matter, remitting the rest to the disposition of God, who hath wrought wonders in these matters, since they were first moved, and given me such knowledge and experience in them, as I ought to take them, as they be, for corruption and untruth; I mean knowledge and experience of them that be chief stirrers, to infect with untruth, as they cannot speak or report truly in common matters. The pretence is of the spirit, and all is for the flesh, women, and meat, with liberty of hand and tongue, a dissolution and dissipation of all estates, clean contrarious to the place God hath called your grace unto. For it tendeth all to confusion and disorder, which is the effect of untruth.—Bale hath set forth a prayer for the duke John of Saxony, wherein the duke remitteth to God's judgment to be shewed here in this world the justness of his cause concerning religion, and desireth God, if his cause be not good, to order him to be taken, and to be spoiled of his honour and possessions, with many such gay words whereby to tempt God; since which prayer the duke is indeed taken as all the world saith, and at the time of his taking, as the account is made, such strangeness in the sun, as we saw it here, as hath not been seen. They happened both together, this we know, and be both marvellous; but whether the one were a token ordered to concur with the other, God knoweth, and man cannot define. Many commonwealths have continued without the bishop of Rome's jurisdiction, but without true religion, and with such opinions as Germany maintained, no estate hath continued in the circuit of the world to us known since Christ came. For the Turks and Tartars government is as it were a continual war, and they uphold their rule with subduing of nobility by fire and sword. Germany with their new religion could never have stood, though the emperor had let them alone: for if

his highness was fully persuaded, that the bishop's secretary, being in such special favour with his master, would never stand so stiff in defence of the bishop of Rome's usurped power and authority, without his said master's both advice, knowledge, and persuasion. For already, quoth the king, he played but an homely part with me, when he was embassador to the Pope concerning my cause of divorce. And therefore, quoth the king to me, send for him my lord incontinently, and by assistance of two or three more of the council, whom you think good, let him be committed to the Tower, to answer to such things as may be objected against him. This communication was in the evening, so that we purposed to have executed the king's pleasure and commandment the next morning. Howbeit our talk was not so secret, but that some of his friends of the privy chamber, where he had many friends then, suspecting the matter, sent him word thereof. Who incontinently repaired to the king's presence, and finding some matter to minister unto the king, his highness said to the bishop, We do marvel that your secretary hath thus notoriously offended against us and our laws. It is surely thought that you are not all clear in this offence, but that you are of the same opinion with him, and therefore my lord be plain with me, and let me know if you be that way infected or no. If you will tell me the truth, I will rather pardon the fault; but if you halt or dissemble with me, look for no favour at my hand.—With this monition Winchester fell down upon his knees, and besought his majesty of mercy and pardon, manifestly confessing that he had long time been of that opinion with his said secretary: and there bewailing himself promised from that day forward to reform his opinion and become a new man. Well, quoth the king, this way you have of me that which otherwise you should never have obtained. I am content to remit all things past, and pardon you upon your amendment.—The next morning I had word how the matter was handled, whereupon I came to his highness and said; Your majesty hath prevented our commission, which I and other had from your grace concerning my lord of Winchester's committing to the Tower. Wot you what, quoth the king; He hath confessed himself as guilty in this matter as his man, and hath with much sorrow and pensiveness sued for my pardon; and you know what my nature and custom hath been in such matters, ever more to pardon them that will not dissemble but confess their fault.—Thus wilily and politicly he got himself out of our hands. But if I had suspected this, I would have had him in the Tower over night, and stopped his journey to the court. Well, said my lord of Canterbury, he was evermore too good for you all. Moreover as touching this foresaid bishop of Winchester, forsomuch as he in king Edward's time bragged so much of his old master of famous memory king Henry the eighth, to the intent that the glorious vanity of this bishop, and of all other like unto him, may appear more notoriously to all men, here is to be noted by the testification as well of master Denny, as also of sir Henry Nevil, who were

it be persuaded the understanding of God's law to be at large in women and children, whereby they may have the rule of that, and then God's law must be the rule of all, is not hereby the rule of all brought into their hands? These of some will be called witty reasons, but they be indeed truth's children, and so is all the eloquence, which some (to dispraise me) say I have, whatsoever they say of me. For truth is of itself, in a right meaning man's mouth, more eloquent than forged matters can with study bring forth. What rhymes be set forth to deprave the Lent, and how fond (saving your grace's honour) and foolish? and yet the people pay money for them, and they can serve for nothing, but to learn the people to rail, and to cause such as used to make provision for fish against Lent, fearing now in Lent to be so sick as the time purporteth and like to die indeed, to forbear to make their accustomed provision for the next year. And thereto shall it come if the common diet be not certain. For the fishmonger will never hope to have good sale, when the butcher may with flesh outface him. And fish is that great treasure of this realm and food inestimable. And these good words I give, although I love it not myself: for such as love not fish should nevertheless commend it to others, to the intent the flesh by them forborn might be to such as love it, only the more plenty. The public defamation and trifling with Lent is a marvellous matter to them that would say evil of this realm; for there is nothing more commended unto us Christian men in both the churches of the Greeks and Latins, than Lent is, if all men be not liars. In the king our late sovereign lord's days this matter was not thus spoken of. And I think our enemies would wish we had no Lent. Every country hath his peculiar inclination to naughtiness; England and Germany unto the belly, the one in liquor, the other in meat; France a little beneath the belly; Italy to vanities and pleasures devised; and let an English belly have a further advancement, and nothing can stay it. When I was purveyor for the seas, what an exclamation was there (as your grace shewed me) of the bishop's fasting day, as they called Wednesday, and Winchester, Winchester, grand mercy for your wine, I beshrew your heart for your water? Was not that song, although it was in sport, a signification how loth men be to have their licence restrained? or their accustomed fare abated? unless it were in extreme necessity. I hear say that the Lent is thus spoken of by Joseph and Tongue, with other new (whom I know not) as being one of Christ's miracles, which God ordained not man to imitate and follow, at which teaching all the world will laugh. For Christian men have Christ for an example in all things, both to use the world as

there present witnesses of the matter, whose record was this, that king Henry before the time of his sickness, taking his horse upon the terrace at Windsor to ride out on hawking, saw standing before him the lord Wriothsley lord chancellor, with divers other counsellors, and amongst them the bishop of Winchester. Whereupon he called the lord chancellor, and said, Did not I command you he should come no more amongst you? (meaning the bishop) Whereunto the lord chancellor answered, That his coming was to bring his majesty word of a benevolence given unto him by the clergy, Whereat the king said, Ah! let him come hither, and so he did his message, and the king went straight away.—Item, another time the king immediately after his repair to London fell sick, and caused divers times his whole council to come unto him about his will, and other his grave affairs. At what time the bishop also would come up with them into the utter privy chamber, and there remain until the council came from the king, and then go down with them again, to the end, as then was thought, to blind the world withal.—Furthermore, as the king grew more in sickness, he considering upon his will and testament made before, at his going over to Bullein, willed the same to be drawn out again with leaving out and excluding the bishop of Winchester by name from amongst his executors. Which being to him no small corsey, and a cutting off of all their purposes, a way was found, that sir Anthony Brown, a principal pillar of Winchester's side, pretending unto the king, as though by the negligence of the writer the bishop's name had been left out of the king's will, kneeled down to the king's majesty lying in his bed, and said, My lord of Winchester I think by negligence is left out of your majesty's will, who hath done your highness most painful, long and notable service, and one without whom the rest shall not be able to overcome your great and weighty affairs committed unto them.—Hold your peace, quoth the king, I remembered him well enough, and of good purpose have left him out. For surely if he were in my testament, and one of you, he would cumber you all, and you should never rule him, he is of so troublesome a nature. Marry, quoth the king, I myself could use him, and rule him to all manner of purposes, as seemed good unto me, but so shall you never do, and therefore talk no more of him to me in this behalf. Sir Anthony Brown, perceiving the king somewhat stiff herein, gave place to the king's words at that time. Howbeit, seeking further occasion upon more persuasions put into his head, he took in hand once again to move the king to have the bishop one of his executors. When the king perceived that this instant suit would not cease; Have you not yet done, quoth the king, to molest me in this matter? If you will not yet cease to trouble me, by the faith I owe unto God, I will surely dispatch thee out of my will also, and therefore let us hear no more of this matter. All this sir Anthony Denny was heard to report to the archbishop of Canterbury Thomas Cranmer, of the said archbishop's secretary, who is yet alive, and witness unto the same."

he did only for necessity, and to contemn the world as he did, and in case to refuse it, and chuse the vile death, as he did the death of the cross, which things he did like a master most perfect, for he was very God, and we must endeavour ourselves in the use of his gifts to follow that he did, not to fast forty days without meat as Christ did, for we be but apprentices, and carry about a ruinous carcase, that must have some daily reparation with food: but yet was there never any that said, how therefore we should do nothing, because we cannot do all, and take Christ's fast for a miracle only. And yet all that follow Christ truly, they work daily miracles, in subduing and conforming by God's grace their sensual appetites, and humbly obeying to the will of God, which no man can of himself do. And Christ promised that his true servants should work the works that he did, and greater works also. Wherefore it is a slender matter to say, Lent was one of Christ's miracles, for so was it to love his enemies, and specially those that scourged and bobbed him; which may not be, if that a legation hath place, taught Christian men to follow, because it was a miracle, as they might say: it were more tolerable to forget Lent, as Pogge telleth, of a priest in the mountains, that knew not how the year went about, and when the weather opened, and he went abroad, and perceived his neighbours were towards Palm Sunday, he devised an excuse to his parish, and bad them prepare therefore, for indeed the year had somewhat slipped him, but he would fashion the matter so, as they should be as soon at Easter as the rest: and thus did he pass over Lent with much less slander, than to teach it for a doctrine, that Lent was one of Christ's miracles, and therefore not to be imitated of us. For although it was indeed a great miracle, as all Christ's doings were, yet was it not a greater miracle, nor more against man's nature, than to love them that laboured and were busy to take away the natural life of his manhood. For as the nature of man desireth relief, so doth it abhor destruction or hurt. In will and desire men follow Christ in all things; in execution they cannot; for we have brittle vessels, and God giveth his gifts to men as he seeth expedient for his church; so as men cannot heal the lame when they will, as Christ did when he would, but as God shall think profitable for the edification of the flock assembled.—Gregory Nazianzene speaketh of some that enterprised to imitate Christ's fast above their power, whose immoderate zeal he doth not disallow, not requiring of all men so to do, for that is an extremity, ne yet assoyling the matter as our new schoolmen do, that Christian men should let Christ's fast alone as a miracle: which manner of solution I heard a good fellow make, when it was told him he might not revenge himself, and when he was stroken on the one ear, he should put forth the other; I am, quoth he, a man, I am not God, if Christ being God did so, he might, quoth he, if it had pleased him, have done otherwise. And so when it hath been alledged that Christ fasted forty days, he might, quoth he, have eaten if he had list; these triflings in sport might be drawn to grave speech, if Christian men shall refuse to follow Christ in miracles. For all his life was miracles, and his love that is our badge most miraculous of all, to die for his enemies. I beseech your grace to pardon me, for I am like one of the common house, that when I am in my tale, think I should have liberty to make an end, and specially writing to your grace with whom I account I may be bold, assuring you it proceedeth of a zeal towards you to whom I wish well, whose intent although it be such as it ought to be, and as it pleased you to shew me it was, yet are such things spread abroad whereof the evil willers of the realm will take courage, and make account (although it be wrong) that all goeth on wheels. If any man had either fondly or indiscreetly spoken of Lent to engrieve it to be an importable burthen, I would wish his reformation; for I have not learned that all men are bound to keep the Lent in the form received, but this I reckon, that no Christian man may contemn the form received, being such a devout and profitable imitation of Christ to celebrate his fast, and in that time such as have been in the rest of the year worldly to prepare themselves to come, as they should come, to the feast of Easter, whereof St. Chrysostom speaketh expressly. And for avoiding contempt, a licence truly obtained of the superior serveth. And so I heard the king's majesty our sovereign lord declare when your grace was present. And therefore he himself was very scrupulous in granting of licences; and to declare that himself contemned not the fast, he was at charge to have (as your grace knoweth) the Lent diet daily prepared, as if it had been for himself, and the like hereof I hear say your grace hath ordered for the king's majesty that now is, which agreeth not with certain preaching in this matter, nor the rhimes set abroad. Lent is among Christian men a godly fast to exercise men to forbear, and in England both godly and politic, such as without confusion we cannot forbear, as the experience shall shew, if it be ever attempted, which God forbid. And yet Lent is buried in rhime, and Stephen Stockfish bequeathed, not to me, though my name be noted, wherewith for mine own part I cannot be angry, for that is mitigated by their fondness. But I would desire of God to have the strength of this realm increased with report of concord, which doth quench many vain devices and imaginations.—And if all men be liars, as it is now to my understanding strangely published, methink Bale and such new men, as be new liars, should be most abhorred and detested, and so much the more dangerous as they be new. That which in Italy and France is a matter of combat, is now found to be impropriate to all men. God grant the truth to be desired of all men truly. But as one asked, when he saw an old philosopher dispute with another, what they talked on; and it was answered how the old man was discussing what was virtue; it was replied, if the

old man yet dispute of virtue, when will he use it: So it may be said in our religion; If we be yet searching for it, when shall we begin to put it in execution: I would make an end of my letters, and cannot, wherein I account myself faulty. And though I may err, as every man may, yet I lie not, for I say as I think, forsomuch as I have said and further think your grace hath no trouble troublesome, but this matter of religion unseasonably brought into the defamation of our late sovereign lord's acts, doings, and laws. I beseech your grace take my meaning and words in good part, and pardon my boldness, which groweth of the familiarity I have heretofore had with your grace, which I cannot forget. And thus enforcing myself to an end, I shall pray to Almighty God to preserve your grace in much felicity, with increase of honour, and achieving of your heart's desire. At Winchester, the one and twentieth of May. Your grace's humble beadman, S. W.

The Letter of the Lord Protector, answering to Winchester.

Your letters dated the one and twentieth day of May, as concerning two books new set forth by one Bale, and certain Sermons preached here, were with convenient speed delivered unto us. And like as in your letters to Edward Vaughan of Portsmouth, so in these to us we perceive that you have a vigilant and diligent eye, and very fearful of innovation: which as it cannot be blamed, proceeding of one which is desirous of quiet, good order and continuance of the godly state of this realm, so we do marvel that so soon, so far off, and so plainly, you can hear tell and say of so many things done here, which indeed we being here and attendant upon the same cannot yet be advertised of. The world never was so quiet, or so united, but that privily or openly those three which you write of, printers, players and preachers, would set forth somewhat of their own heads, which the magistrates were unawares of. And they which already be banished and have forsaken the realm, as suffering the last punishment, be boldest to set forth their mind; and dare use their extreme licence or liberty of speaking, as out of the hands or rule of correction, either because they be gone, or because they be hid. There have foolish and naughty rhimes and books been made and set forth, of the which as it appeareth you have seen more than we, and yet to our knowledge too many be bought; but yet after our mind it is too sore and too cruelly done to lay all those to our charge, and to ask as it were account of us of them all. In the most exact cruelty and tyranny of the bishop of Rome, yet Pasquill, as we hear say, writeth his mind, and many times against the bishop's tyranny, and sometime toucheth other great princes, which thing for the most part he doth safely, not that the bishop alloweth Pasquil's rhimes and verses, specially against himself, but because he cannot punish the author, whom either he knoweth not or hath not. In the late king's days of famous memory, who was both a learned, wise and politic prince, and a diligent executer of his laws; and when your lordship was most diligent in the same, yet as your lordship itself writeth, and it is too manifest to be unknown, there were that wrote such lewd rhimes and plays as you speak of, and some against the king's proceedings, who were yet unpunished, because they were unknown or ungotten. And when we do weigh the matter, we do very much marvel, why that, about Jack of Lent's lewd ballad, and certain, as it was reported unto us, godly sermons, (which be evil in your letters joined together) you be so earnest, when against doctor Smith's book, being a man learned in the doctors and scripture, which made so plain against the king's highness authority, and for the furtherance of the bishop of Rome's usurped power, your lordship neither wrote nor said any thing. And as it appeared you be so angry with his retractation (which frankly without fear, dread, compulsion or imprisonment, only with learning and truth overcomed, he came unto) that you cannot abide his beginning, although having the very words of scripture. Except peradventure you think that the saying of David, *Omnis homo mendax*, cannot be interpreted, every man is a liar, which howsoever your lordship taketh it at pleasure, it appeared unto us then of him taken but godly, to declare the infirmity of a man, and the truth of God and his word. And we are not able to reason so clerkly with you, and yet we have heard of the subtle difference of lying and telling of a lie, or as it is in Latin called, *mentiri* and *mendacium dicere*: but if your lordship be loth to be counted *mendax*, which belike he hath interpreted a liar, or a lying man, and think it a matter of combat, he was deceived in the interpretation, and it is a matter for clerks to dispute of; we would have wished your lordship to have written against his book before, or now with it, if you think that to be defended which the author himself refuseth to aver: your lordship writeth earnestly for Lent, which we go not about to put away, no more than when doctor Smith wrote so earnestly that every man should be obedient to the bishops. The magistrates by and by went not about to bring kings and princes and other under their subjection. Writers write their fantasy, my lord, and preachers preach what either liketh them, or what God putteth in their heads. It is not by and by done that is spoken. The people buyeth those foolish ballads of Jack a Lent. So bought they in times past pardons and carols, and Robin Hood's Tales. All be not wise men, and the foolisher a thing is, to some (although not to the more part) it is the more pleasant and meet, and peradventure of the Sermons there is, and indeed there is (if it be true that we have heard) otherwise spoken and reported to you, than it was of the preachers there and then spoken or meant. Lent remaineth still, my lord, and shall, God willing, till the king's highness, with our advice and the residue of his grace's counsel, take another order, although some light and lewd men do bury it in writing;

even as the king's majesty remaineth head of the church, although through sinister ways and by subtil means some traitors have gone about and daily do, to abuse the king's majesty's supremacy, and bring in the bishop of Rome's tyranny, with other superstition and idolatry. On both sides great heed is to be taken, and as your lordship writeth, we are set in a painful room to reform all lightness, and lewdness, to the which we do endeavour ourself to the best of our power, although not so cruelly and fiercely as some peradventure would wish, yet not so loosely that there needeth such exclamation or great fear to be. We do study to do all things attemperately, and with quiet and good order. And we would wish nothing more then your lordship to be as ready to the reformation of the one as of the other, that neither superstition, idolatry, or papacy, should be brought in, nor lightness, nor contempt of good order to be maintained. They both take beginning at small things, and increase by little and little at unawares. And quiet may as well be broken with jealousy as negligence, with too much fear or too much patience. No ways worse than when one is over light eared the one way, and deaf on the other side. Rumours by space of time increase naturally, and by that time they come at you, as it appeareth, they be doubled and trebled. We do perceive your diligent eye towards us, and we will wish (and trust you have) your heart faithful to us: our most hearty and continual prayer to God is, to leave this realm to the king's highness, at his grace's age by you written, rather more flourishing in men, possessions, wealth, learning, wisdom, and Gods religion and doctrine, if it were possible and God's will, than we found it. And that is our whole intent and esperance, to the which we refuse no man's help, as knoweth God, in whom we bid you heartily farewell.

Another Letter of Winchester to the Lord Protector.

After my most humble commendations to your good grace: upon the return of my servant Massy with your grace's letters answering to such my letters wherein I signified the robbing of my secretary, I read the same gladly, as by the contents of the matter I had cause so to do, which was such a comfortative as I digested easily the rest of the great packet, having been accustomed thereunto in the king's my late sovereign lord's days, which fashion of writing his highness (God pardon his soul) called whetting, which was not at the most pleasant unto me at all times, yet when I saw in my doings was no hurt, and sometime by the occasion thereof the matter amended, I was not so coy as always to reverse my argument, nor, so that his affairs went well, did I ever trouble myself, whether he made me a wanton or not. And when such as were privy to his letters directed unto me, were afraid I had been in high displeasure (for the terms of the letters sounded so) yet I myself feared it nothing at all, I esteemed him, as he was a wise prince; and whatsoever he wrote or said for the present, he would after consider the matter as wisely as any man, and neither hurt nor inwardly disfavour him that had been bold with him. Whereof I serve for a proof, for no man could do me hurt during his life. And when he gave me the bishopric of Winchester, he said he had often squared with me, but he loved me never the worse; and for a token thereof gave me the bishopric. And once when he had been vehement with me, in the presence of the earl of Wiltshire, and saw me dismayed with it, he took me apart into his bed-chamber, and comforted me, and said, that his displeasure was not so much to me as I did take it, but he misliked the matter, and he durst more boldly direct his speech to me, than to the earl of Wiltshire, and from that day forward he could not put me out of courage, but if any displeasant words passed from him, as they did sometime, I folded them up in the matter; which hindered me a little: for I was reported unto him that I stooped not and was stubborn, and he had commended unto me certain men's gentle nature (as he called it) that wept at every of his words, and me thought that my nature was as gentle as theirs, for I was sorry when he was moved; but else I know when the displeasure was not justly grounded in me, I had no cause to take thought, nor was I at any time in all my life miscontent or grudging at any thing done by him, I thank God for it. —And therefore being thus brought up, and having first read your grace's most gentle letters, signifying the device of a proclamation to stay these rumours, and reading the same proclamation, which my servant brought with him; I read with the more quiet your grace's great letters, and would have laid them up without further answer, were it not that percase my so doing might be mistaken. For glum silence may have another construction than frank speech, where a man may speak, as I reckon I may with your grace, upon confidence whereof I am bold to write thus much for my declaration touching your grace's letters of the 27th of May, that how earnest soever my letters be taken in fearing any innovation, I neither inwardly fear it, neither shew any demonstration in mine outward deeds to the world here, or in communication, that I do fear it to be done by authority, but in myself resist the rumors and vain enterprises, with confidence in the truth and your grace's wisdom; for if I feared it indeed, with persuasion it should come to pass, I should have small lust to write in it; but I fear more indeed the trouble that might arise by light boldness of other, and the cumber of such matters while other outward affairs occupy your grace's mind, than the effect by your direction that hath been talked of abroad: and yet in the writing I do speak as the matter leads, continuing mine old manner to be earnest, which, as some men have dispraised, so some have commended it; and therefore in a good honest matter I follow rather mine own inclination, than to take the pains to speak as but-

ter would not melt in my mouth: wherewith I perceive your grace is not miscontent, for the which I most humbly thank you. And first as concerning Portsmouth, I wrote to the captain and mayor in the thing, as I had information, and by men of credence. And yet I suspended my credit till I had heard from thence, as by my letters appeareth: and as I was loth to have it so, so was I loth to believe it. And to shew that I feared no innovation by authority, nor regarded any such danger, I went thither myself, and in conclusion was in such familiarity with the captain, that after he had shewed me all the gentle entertainment that he could, he desired me to make an exhortation to his men as they stood handsomely with their weapons, wherewith they had shewed warlike feats; which I did, and departed in amity with the captain and soldiers and all the town; the captain telling me plainly, he was nothing offended with any thing I had said in my sermon, nor was there cause why he should. But the very act indeed in defacing the images, had no such ground as master captain pretended; for I asked specially for such as had abused those images, and no such could be shewed, for that I enquired for openly. And the image of Saint John the Evangelist standing in the chancel by the high altar was pulled down, and a table of alabaster broken: and in it an image of Christ crucified so contemptuously handled, as was in my heart terrible, to have the one eye bored out, and the side pierced; wherewith men were wonderously offended, for it is a very persecution beyond the sea, used in that form where the person cannot be apprehended. And I take such an act to be very slanderous, and esteeming the opinion of breaking images, as unlawful to be had, very dangerous, void of all learning and truth, wrote after my fashion to the captain, which letters I perceive to have come to your grace's hands. I was not very curious in the writing of them, for with me truth goeth out plainly and roundly, and speaking of the king's seal, I uttered the common language I was brought up in, after the old sort. When, as I conject of a good will, the people taking Saint George for a patron of the realm under God, and having some confidence of succour by God's strength derived by him, to encrease the estimation of their prince and sovereign lord, I called their king on horseback in the seat of arms, Saint George on horseback; my knowledge was not corrupt, I knew it representeth the king, and yet my speech came forth after the common language, wherein I trust is none offence. For besides learning, I by experience have known the pre-eminence of a king both in war and peace, and yet if I had wist my letter should have come to your grace's hands to be answered, then I would have been more precise in my speech, than to give occasion of so long an argument therein. As for Saint George himself, I have such opinion of him as becometh me. And have read also of Bellerophon in Homer, as they call him, the father of tales, but I will leave that matter. And as for books, let Latin and Greek continue as long as it shall please God, I am almost past the use of them, what service those letters have done experience hath shewed, and religion hath continued in them fifteen hundred years; but as for the English tongue itself hath not continued in one form of understanding two hundred years, and without God's work and special miracle it shall hardly continue religion long, when it cannot last itself; and whatsoever your grace's mind is now in the matter, I know well, that having the government of the realm, your grace will use the gift of policy, which is the gift of God.—And even as now at this time bishops be restrained by a special policy to preach only in their Cathedral Churches, (the like whereof hath not been known in my time,) so upon another occasion your grace may percase think expedient to restrain (further than the parliament hath already done) the common reading of the Scripture, as is now restrained the bishops liberty of preaching. As for the brazen serpent, it did not in all men's language represent Christ, and if I had written to another than your grace, I might have had the like matter of argument that was taken against me of Saint George on horseback. For Gregory Nazianzene, chief divine in the Greek Church, calleth the serpent's death the figure of the death of Christ, but not the serpent to be the figure of Christ; and yet when I had done all my argument, I would resolve as is resolved with me in the speech of Saint George on horseback, that the common speech is otherwise, and so it is in saying the serpent to be a true figure of Christ, and yet Gregory Nazianzen called the serpent itself Ἀντίτυπον of Christ in these words, οὐ, &c. in his sermon *de Paschate*: and yet in Almechorus Domini, we read Aries, Leo, Vermis, spoken of Christ, and some expound the Scripture *sicut Moses*, &c. after that sort. And as your grace said when I was last at your house with the French ambassador, ye wished him and me together disputing, to see when we would make an end, even so it is in these matters, when they come in an argument, for a by thing (as Saint George on horseback) when it escapeth me, or speaking of the brazen serpent following a speech not thoroughly discussed, shall be occasion of a digression all out of purpose. And therefore was it a great gift of God, that our late sovereign lord (God rest his soul) set these matters in quiet: who had heard all these reasons touching images which be now rehearsed in your grace's letters, and having once my lord of Canterbury and me present with him alone in his palace, that they call otherwise New Hall, handled that matter at length, and discussed with my lord of Canterbury the understanding of God's commandment to the Jews, so as all the clerks in Christendom could not amend it. And where as one had denied the image of the Trinity to be had, by reasons as he touched in your grace's letters, I heard his highness answer to them at another time. And when he had himself specially commanded divers images to be abolished,

yet (as your grace knoweth) he both ordered, and himself put in execution the kneeling and creeping before the image of the cross, and established agreement in that truth through all this realm, whereby all arguments to the contrary be assoiled at once. I would wish images used as the book of his highness set forth doth prescribe, and no otherwise. I know your grace only tempteth me with such reasons as other make unto you, and I am not fully at liberty, although I am bold enough (and some will think too bold) to answer some things as I would to another man mine equal, being so much inferior to your grace as I am: but me thinketh Saint Paul's solution during the king's majesty's minority should serve instead of all, *Nos talem consuetudinem non habemus*, we have no such customs in the Church.—When our sovereign lord cometh to his perfect age (which God grant) I doubt not but God will reveal that which shall be necessary for the governing of his people in religion. And if any thing shall be done in the mean time (as I think there shall not) by your grace's direction, he may when he cometh to age say in the rest, as I hear say, he said now of late concerning procession, that in his father's time men were wont to follow procession: upon which the king's majesty's saying, the procession (as I heard) was well furnished afterwards by your grace's commandment; which speech hath put me in remembrance, that if the bishops and other of the clergy should agree to any alteration in religion to the condemnation of any thing set forth by his father, whereby his father might be noted to have wanted knowledge or favour to the truth, what he would say I cannot tell, but he might use a marvellous speech, and for the excellency of his spirit, it were like he would, and having so just a cause against bishops as he might have, it were to be feared he would. And when he had spoken, then he might by his laws do more than any of our sort would gladly suffer at these days; for as the allegation of his authority represented by your grace shall be then answered (as your grace now writeth unto me) that your grace only desireth truth according to God's Scripture, and it may be then said; we bishops, when we have our sovereign lord and head in minority, we fashion the matter as we lust, and then some young man that would have a piece of the bishop's lands shall say, the beastly bishops have always done so, and when they can no longer maintain one of their pleasures of rule and superiority, then they take another way and let that go, and for the time they be here spend up that they have, which eat you and drink you what ye list and we together, with *Edamus & bibamus, cras moriemur*. And if we shall alledge for our defence the strength of God's truth, and the plainness of Scripture, with the word of the Lord, and many gay terms, and say we were convinced by Scriptures, such an excellent judgment, as the king's majesty is like to have, will never credit us in it, nor be abused by such a vain answer. And this is a worldly politic consideration, and at home: for the noise abroad in the world will be more slanderous than this is dangerous. And touching the bishop of Rome, the doings in this realm hitherto hath never done him so much displeasure, as an alteration in religion, during the king's majesty's minority, should serve for his purpose; for he wanteth not wits to beat into other princes ears, that where his authority is abolished, there at every change of governors shall be change in religion, and that which has been amongst us by a whole consent established, shall by the pretence of another understanding in Scripture straight be brought in question; for they will give it no other name but a pretence, how stiffly soever we will affirm otherwise, and call it God's word. And here it should be much noted that my lord of Canterbury, being the high bishop of the realm highly in favour with his late sovereign lord, and my lord of Duresme a man of renowned fame in learning and gravity, both put by him in trust for their counsel in the order of the realm, should so soon forget their old knowledge in Scripture set forth by the king's majesty's book, and advise to invey such matter of alteration. All which things be (I know well) by your grace and them considered. And therefore it is to me incredible that ever any such thing should be indeed with effect, whatsoever the lightness of talk shall spread abroad which your grace hath by proclamation well stayed. But if you had not, and the world talked so fast as ever they did, I assure your grace I would never fear it, as men fear things they like not, unless I saw it in execution; for of this sort I am that in all things I think should not be done in reason, I fear them not, wherewith to trouble me otherwise than to take heed if I can, and to the head governors (as now to your grace) shew my mind, and such experience hath every man of me that hath communed with me in any such matters. And therefore albeit your grace writeth wisely, that overmuch fear doth hurt, and accelerateth sometime that which was not intended, yet it needs not to me, for I have learned that lesson already, and would a great many more had, which indeed should be a great stay. And thus I talk with your grace homely, with multiplication of speech impertinent and not necessary, as though I meant to send you as great a packet as I received from you.—One thing necessary to answer your grace in, is, touching your marvell; how I know sooner things from thence, than your grace doth there, which ariseth not upon any desire of knowledge on my behalf, for evil things be oversoon known, nor upon any slackness of your grace's behalf there, who is and is noted very vigilant, as your grace's charge requireth. But thus it is, even as it was when I was in some little authority, they that were the evil doers in such matters would hide them from me. So now they have handled it otherwise; for as for Jack of Lent's English Testament, it was openly sold in Winchester Market, before I wrote unto your grace

of it. And as for Bale's book, called the elucidation of Anne Askew's martyrdom, they were in these parts common, some with leaves unglewed, where master Paget was spoken of, and some with leaves glewed. And I call them common, because I saw at the least four of them. As for Bale's book, touching the death of Luther, wherein was the duke of Saxony's prayer, whereof I wrote, it was brought down into this country by an honest gentleman, to whom it was, as I remember he told me, given at London for news, and he had it a great while ere I wrote to your grace. I had not then received the inhibition for preaching, whereof men spake otherwise than they knew. And in the mean time doctor Smith recanted, which a priest of this town (who to mine own mouth boasted himself to be your grace's chaplain, but I believed it not) brought down with speed, and made by means to have it brought to my knowledge, which I knew besides, for they had by and by filled all the country hereabouts, of tales of me. And when I saw doctor Smith's recantation begin with, *Omnis homo mendax*, so Englished, and such a new humility, as he would make all the doctors of the church liars with himself, knowing what opinions were abroad, it enforced me to write unto your grace for the ease of my conscience; giving this judgment of Smith, That I neither liked his tractation of unwritten verities, nor yet his retractation, and was glad of my former judgment, that I never had familiarity with him. I saw him not, that I wote, these three years, ne talked with him these seven years, as curious as I am noted in the commonwealth. And whereas in his unwritten verities he was so mad to say, bishops in this realm may make laws, I have witness, that I said at that word, we should be then daws, and was by and by sorry that ever he had written of the sacrament of the altar, which was not, as it was noised, untouched with that word, All men be liars, which is a marvellous word, as it soundeth in our tongue, when we say a man were better to have a thief in his house than a liar. And the depraving of man's nature in that sort is not the setting out of the authority of the scripture. For albeit the authority of the scripture dependeth not upon man, yet the ministration of the letter, which is writing and speaking, is exercised, and hath been from the beginning delivered through man's hand, and taught by man's mouth; which men the scripture calleth holy men, and that is contrary to liars. And therefore St. Augustine in his book *de Mendacio*, saying, *Omnis homo mendax*, signifieth, *Omnis homo peccans.* If Smith had only written of bishop's laws, and then said he had, saving your honour, lied loudly, or to mitigate the matter, said he had erred by ignorance, that had been done truly and humbly; for he that seeketh for much company in lying as he did, hath small humility; for he would hide himself by the number. And thus much as touching Smith, of whom, or his book, till he was in trouble, I [redacted] talking. But to the matter I wrote of. I have told your grace how I came to knowledge of them, very scarcely in time, but in the thing over quickly, and never had any such thought in my life, as I denied to your grace, to be worthily charged with them, by them I mean that may hereafter charge; for I know no such yet in this world, and I never was in mine opinion so mad, as to write to your grace in that sort. When all things be well, I have many causes to rejoice; but where things were otherwise, as I trust they shall not, I have nothing to do to ask any account, I trust I shall never forget myself so much. I thank God, I am even as well learned to live in the place of obedience, as I was in the place of direction in our late sovereign lord's life. And for my quietness in this estate I account myself to have a great treasure of your grace's rule and authority, and therefore will worship and honour it otherwise than to use such manner of presumption to ask any account. And I know your grace cannot stay these matters so suddenly, and I esteem it a great matter, that things be stauld hitherto thus; but if things had increased as the rumours purported, your grace might have been incumbered more in the execution of your good determination. Now, thanks be to God, your grace goeth well about to stay it. As for myself, I know mine inward determination to do, as I may, my duty to God and the world, and have no cause to complain of the universal disposition of them in my diocese. I know but one way of quiet, to keep and follow such laws and orders in religion as our late sovereign lord left with us; which, by his life, as the bishops and clergy said was the very truth, so I never read yet or heard any thing why to swerve from it, ne think it expedient to call any one thing in doubt, during the king's majesty's minority, whereby to impair the strength of the accord established. Which I write not mistrusting your grace in the contrary, but declaring myself, and wishing the same mind to other about you, as I trust they have, for which I shall pray to God, who prospered our late sovereign lord in that rebellion, as we have seen experience, and by your grace's foresight and politic government shall send the like prosperity to our sovereign lord that now is; wherein I shall do my part, as a subject most bounden many ways thereunto. I send unto your grace herewith my discussion of my lord of Saint David's purgation, wherein I walk somewhat more at liberty than writing to your grace, and yet I take myself liberty enough, with a reverend mind nevertheless to keep me within my bounds; which if I at any time exceed, I trust your grace will bear with me after your accustomed goodness, for whose prosperity I shall continually pray, with increase of honour. At Winchester, the 6th of June."

Winchester to the Lord Protector.

After most humble commendations to your grace, I have received this day letters from my lord of Canterbury, touching certain homilies,

which the bishops in the convocation holden A.D. 1542, agreed to make for stay of such errors as were then by ignorant preachers sparkled among the people, for other agreement there had not then passed among us. Since that time God gave our late sovereign lord the gift of pacification in those matters, which established by his highnesses authority in the convocation extinguished our devises, and remaineth of force with your grace, wherein to avoid many encumberous arguments, which wit can devise against the truth, I send to your grace the copy of mine answer to my lord of Canterbury, to whom I write and offer myself more largely, than I ever did in any matter of the realm, to any man besides my sovereign lord, or the chief governor as your grace, for I am not factious, and use only to say as I am bound to say as occasion serveth, for that is my duty, having no other thing purposed but truth and honesty, whatsoever any man shall otherwise say of me. I am busier with your grace than needeth, but such commendations as it pleased your grace to send me by master Coke (for the which I most humbly thank your grace) hath engendered thus much more boldness, that ever me thinketh I should desire your grace, not to suffer the king's majesty our late sovereign lord's determination to slip the anchor-hold of authority, and come to a disputation, for ediction whereof, afterward the burden must rest on your grace, unto whom I desire all prosperous success, and the increase and continuance of such honour as God hath granted to your virtue, not to fall in encumber of any by-matter that need not be stirred. If your grace think not yourself encumbered with my babbling, and inculking that needeth not unto you, I would answer your grace's letters of the 6th of April, so as your grace will by other letters withdraw your name, that I may be seen to dispute with one not so far above me in authority, as your grace is, which I have thought requisite to advertise, lest by my silence your grace should deem I thought myself overcome in those matters, where indeed I am of a contrary mind, and can shew whereupon to ground me, why I should so think: And thus desiring your grace to take in good part my doings, I shall continually pray for the preservation of your grace long in felicity. At Westminster the 10th of June 1547.

S. W.

Winchester to the Lord Protector.

After my most humble commendations to your grace, since my letters unto your grace wherewith I sent unto you such letters as I had written to my lord of Canterbury for answer to his letters touching homilies, I have eftsoons received other letters from my said lord of Canterbury, requiring the said homilies by virtue of a convocation holden 5 years past, wherein we communed of that which took none effect then, and much less needeth to be put in execution now, nay in my judgment cannot without a new authority from the king's majesty that now is, commanding such a matter to be enterprised, I wrote at length to my lord of Canterbury, and sent the copy of those letters to your grace, not to the intent your grace should lose so much time to read them, for they be tedious in length, but only for my discharge, who never meddled yet by private letters with any man in the realm to persuade or dissuade matters of religion, but with the prince himself, or him that had the managing of the great matters under him. And following this determination am so bold to send your grace the copy of such letters as I write to my my lord of Canterbury, whose letters to me, I could not of congruence forbear to answer, ne answering forbear to speak freely as I think. And sorry I am to hear the matter of homilies spoken of in this time; your grace hath done prudently to stop the vain rumours by proclamation, and it hath wrought good effect, and me thinketh is not best to enterprise any thing to tempt the people with occasion of tales, whereby to break the proclamation and offend: And to this effect I wrote to my lord of Canterbury: For like as in a natural body, rest without trouble doth confirm and strengthen it, so is it in a common-wealth, trouble travelleth and bringeth the things to looseness: And my lord of Canterbury is not surer of his life when the old order is broken, and a new brought in by homilies, that he shall continue to see his new device executed, for it is not done in a day, I would there were nothing else to do now, I have known business to occupy such as were put in trust, when religion hath been untouched, a new order engendereth a new cause of punishment against them that offend: and punishments be not pleasant to such as have the execution, and yet they must be, for nothing may be contemned. And thus I travel in the matter with my lord of Canterbury, because he would I should weigh things, and so doe I as indifferently as ever did man for the preservation of the ship wherein I sail myself, and so many other whose prosperity I am bound to wish, I can admit no invocations. S. W.

Winchester to the Lord Protector.

After my most humble commendations to your good grace with thanks, that it hath pleased you to be content to hear from me, wherein now I have from your grace liberty to write at large, I cannot find the like gentleness in my body to spend so much time as I would: and therefore shall now desire your grace to take in good part, though I gather my matter into brief sentences.—The injunctions in this visitation contain a commandment to be taught and learned, two books, one of the homilies that must be taught other by priest. Another of Erasmus Paraphrasis, that the priest must learn himself, these books strive one with another directly, &c. Thus I have signified to your grace some special faults that be Erasmus owne faults; and in my judgment great faults, but I have not written all: and your grace shall further understand that he who it is, I know not who, hath taken the labours to trans-

late Erasmus into English, hath for his part offended sometime, as appeareth plainly by ignorance, and sometime evidently of purpose, to put in, leave out, and change as he thought best, never to the better but to the worse, with the specialties whereof I will not now encumber your grace, but assure you it is so. And here I will grant to your grace, that for every lie I make unto you, set on 100*l.* fine on mine head, and let me live here like a beggar, whilst my revenues pay it; My words you have in writing, and be against me matter of record; and so I yield to have me charged, as the bishop of London was with offering the form of his bishopric, which matter came to my remembrance in the writing hereof; and now I have written unto your grace upon what foundation my conscience is grounded, I shall truly declare unto you the manner of my proceeding from the beginning; I never heard of the execution of the visitation, till your grace was departed from London northward; as the books flowed abroad by liberty of the printers they came to my hands, I never slept while I had perused them, as soon as I had found certain faults I wrote to the council, trusting upon such earnest advertisement as I made, they would incontinently have sent for me, and upon knowledge of so evident matter as me thought I had to shew, have stayed till your grace's return, I saw a determination to do all things suddenly at one time, whereunto although your grace agreed, yet of your wisdom I conjected ye had rather have had it tarry while you return, if you had not been pressed: and that word pressed I noted in your grace's letters to me, wherein you wrote you were pressed on both sides: me thought if by bringing myself to most extreme danger in your absence, I could have stayed this matter, besides my duty to God, and to my sovereign lord I had done also your grace pleasure, of whom I have this firm opinion, that willingly and wittingly your grace will neither break the act of parliament, nor command books to be bought with authority, that contain such doctrine as these books do: Thus I adventured in your grace's absence, wherein although I had remembrance of your grace, yet I made not your grace my foundation, but God chiefly, as God knoweth with the preservation of our late sovereign lord's honour that dead is, and the security of our late sovereign lord that now is. —Let no man be offended with the vehemency of my writing, for I wrote with a whole heart, and if I could have written it with the blood of my heart I would have done it, to have done good, in staying the thing till it had been more materially digested, and till your grace's safe return. I touched the act of parliament lively, but as truly as ever was any thing spoken of. And I never wept more bitterly than I did for a conceit that troubled my head, which never passed my lips, nor shall never come out of my pen, I will tell it your grace, and you require it. Now whether the king may command against an act of parliament, and what danger they may fall in, that break a law, with the king's consent I dare say no man alive at this day hath had more experience, what the judges and lawyers have said than I: First, I had experience in mine old master the lord cardinal, who obtained his legacy by our late sovereign lord's request at Rome: And in his sight and knowledge occupied the same with his two crosses, and masses borne before him many years; yet because it was against the laws of the realm, the judges concluded the offence of the premunire: which conclusion I bare away, and take it for a law of the realm, because the lawyers so said, but my reason digested it not. The lawyers for confirmation of their doings, brought in a case of the lord Tiptost as I remember, a jolly civilian, he was chancellor to the king, who because in execution of the king's commission he had offended the laws of the realm he suffered on Tower-hill, they brought in examples of many judges that had fines set on their heads in like case for doing against the law of the realm by the king's commandment. And then was brought in the judges oath, not to stay any process or judgment for any commandment from the king's majesty. And one article against my lord cardinal, was that he had granted injunctions to stay the common laws, and upon that occasion, Magna Charta was spoken of, and it was made a great matter the stay of the common law, and this I learned in that case, since that time being of the council, when many proclamations were devised against the carriers out of corn, at such time as the transgressors should be punished, the judges would answer it might not be by the laws, whereupon ensued the act of proclamations, in the passing of which act many liberal words were spoken, and a plain promise, that by authority of the act for proclamations, nothing should be made contrary to an act of parliament, or common-law, when the bishop of Exeter, and his chancellor were by one body brought in a premunire, which matter my lord privy seal cannot forget, I reasoned with the lord Audley then chancellor, so far as he bad me hold my peace for fear of entering into a premunire myself, whereupon I stayed, but concluded it seemed to me strange that a man authorized by the king (as since the king's majesty hath taken upon him the supremacy every bishop is such a one) could fall in a premunire. After I had reasoned the matter once in the parliament house, where was free speech without danger, and there the lord Audley then chancellor, to satisfy me familiarly, because I was in some secret estimation as he then knew, thou art a good fellow bishop quoth he, which was the manner of his familiar speech, look the act of supremacy, and there the king's doings be restrained to spiritual jurisdiction; and in another act it is provided, that no spiritual law shall have place contrary to a common law or act of parliament. And this were not (quod he) you bishops would enter in with the king, and by means of his supremacy order the laity as ye listed; but we will provide quod he,

that the premunire shall ever hang over your heads, and so we laymen shall be sure to enjoy our inheritance by the common laws, and acts of parliament. It is not yet full two years ago, since in a case of jewels I was fain with the emperor's ambassador, and after in the emperor's court, defend and maintain by commandment, that the kings of this realm were not above the order of their laws. And therefore the jeweller, although he had the king's bill signed, yet it would not be allowed in the king's court, because it was not obtained according to the laws, in which matter I was very much troubled, even this time twelve month, when I was in commission with my lord great master, and the earl of Southampton for altering the court of augmentations. There was my lord Montague, and other of the king's learned council, of whom by occasion of that matter I learned what the king might do contrary to an act of parliament, and what danger it was to them that meddled against the act, it is fresh in memory, and they can tell whether I said true or no, and therefore being learned in so notable cases, I wrote in your grace's absence to the council therein, as I had learned by hearing the commons speak, whose judgments rule those matters, howsoever my reason can digest them, and so wrote to the council. Which my writings I fashioned so as I trusted my lord would have stayed till your grace's return. And thus I have declared to your grace the purpose of my writing to the council so vehement, which nevertheless I continued with all humility to abide the order of authority, and learn all other obedience; for thereunto I have ever had as great regard as to any man in this realm. And as my word is *Vana salus hominis*, so I assure your grace I practise it throughly in my deeds.—When my lords sent last for me, I came to them with as much speed as I might, with my sleeves and bosom thrust full of books to furnish my former allegations, I was heard very well and gently, and me thought I shewed matter that should have moved, for I shewed the two books to be contrary, as I have written before, wherewith they said they were not moved, adding how their conscience agreed not with mine, using many good words to bring me to such conformity, as they would have had me at, whereupon knowing that I know, I could not relent, but after I had been a little beside from them, and was returned, they entered a precise order with me, either to receive precisely the injunctions, or to refuse, in which case they had further to say to me, adding that your grace was privy to that was done there that day: my answer was that I would receive the injunctions as far as God's law and the king's would bind me; and because I saw they grew to such preciseness, and remembering how after good sort they had caused me to be accompanied before with master Wingfield, making innovations, what would be the end if I would not yield: I would not therefore leave unspoken, that I thought might avoid that followed: I told them there were three weeks of delay to the coming of the visitors to me: in the mean time, I offered to go to Oxford to abide the discussion there, which offer was not allowed, I desired them to go to my house at London, and to have learned men speak with me there, which was not accepted. I entered then the allegation of the gospel of the servant that said he would not do a thing, and yet did it, and so I said it might be that although I then said nay, as my conscience learned me, yet I might percase change, and was a man that might be tempted: but as my conscience was then, me thought God's law and the king's letted me, and upon knowledge of their pleasures, that I must to the Fleet, I told my lords I thought it hard, unless there were a greater matter then to send me to prison, for declaring before hand what I minded to do before any thing had been by me actually done to resist the visitation, who had all the mean time to think on the matter, and repent me. Whereunto the answer was such as displeased me not inwardly so much, but I have well digested it, and (so all may be well) care not what becometh of my body, I departed as quietly from them, as ever man did, and have endured with as little grudge here, and have learned this lesson in the world never to look backward, as St. Paul saith, ne remember that is past, I will never grudge or complain of nothing for myself.—As for the matter to have such books recommended to the realm in the king's name by your graces direction, me seemeth very weighty, and your grace not to have been well handled in it, all the world knoweth the king's highness himself know not these books, and therefore nothing can be ascribed unto him, your grace hath been to your increase of honour so occupied, as all men know, your grace had no leisure yourself to peruse these books, and yet be the books as I have written, I leave the rest to your grace. If I that tell the council my mind of them that have done so far amiss, because when I know so much, I will not allow them, I shall from henceforth the more regard the lesson of an old ambassador that bed me, let evil tidings go home to my master afoot, and send only good tidings by post. A shift with the word which agreeth not with my nature as master Wallope saith, upon Friday last past, my lord of Canterbury sent for me to the dean of Paul's house, whither I went with some gazing of the world. There I found my lord of Canterbury accompanied with the bishop of Rochester, master doctor Cox, and master Aire, and I was brought thither by the bishop of Lincoln, what report my lord of Canterbury hath made thereof I cannot tell: my lord of Canterbury was in hand with his homily of salvation, but nothing heard or saw I to save my conscience in agreeing to him, but heard that I should justly confirm me in mine own conscience, I made offer to yield to them in that homily, if they could shew me any old writer that wrote how faith excluded charity in the office of justification, it is against scripture's plain words, and to

swerve from scripture without any one doctor to lean to it, were sore: where scriptures and doctors want, my lord of Canterbury would fall to arguing, and overcome me that am called the sophister, by sophistry. When I heard my lord's argument I denied it, and would enter none other declaration, for I keep that answer till some other than were there, be present, my solution whereunto, when I declare it, shall make all the rest of the matter very weak and my lord not to like his argument at all, one argument I could not assail, to come again to the Fleet: my lord of Canterbury charged me, that I like nothing unless I do it myself, whereof I am not guilty, I was never author of any one thing other spiritual or temporal, I thank God of it. I am also charged that all the realm hath received these homilies without contradiction save I, whereunto I answer, I think they have not read that I have read in these books, what hath been done I cannot tell, now I am kept as I cannot know though I would when I was abroad, I never sought to know more than was brought by common fame, for this shall be found true, I never advised any man to object any thing against these books, no one man, not my chaplains: a kinsman of mine beneficed in my diocese, and not unlearned, came to me, and told me how he heard a lewd fellow say, that I would not receive the injunctions. And sir, (quoth I) I rebuked him, and reviled him, and said you would as readily receive as any man, I told him that in so saying he did very well; upon my coming up a chaplain of mine, a doctor of divinity told me, he would receive the injunctions quietly, and say nothing; I told him it should be well done, if I had tarried in my diocese: if any man had spoken but myself I would have lost my life for it, nor I think there hath not now. This matter was to try a bishop, whether he careth more for the truth, or his own rest, what examples have I seen in this realm, how freely men have said their conscience against our late sovereign lord's determination, and against the act of parliament: doctor Croe a mean man preached against our late sovereign lord's determinations, and how daintily was he handled to relieve his conscience: if your grace would have this for a precedent, that whatsoever the king's council for the time of a prince's minority shall send to be preached must needs be received without allegation: of what strength is the act of parliament against the bishop of Rome; the king's majesty, when he cometh to his age, will look to be bold to do as much with his subjects as his council did in his minority, whereof the counsellors may be then weary, precedents be dangerous. For I have seen it almost for a rule: that whatsoever hath been once done, may then without question be done again. In our late sovereign lord's time, I have seen the choncell much astonished, when the king would have done somewhat against an act of parliament; it was made then a great matter. The lord Cromwell had once put in the king's our late sovereign lord's head to take upon him to have his will and pleasure regarded for a law, for that he said was to be a very king, and thereupon I was called for at Hampton-court. And as the lord Cromwell was very stout, come on, my lord of Winchester, (quoth he) for that conceit he had whatsoever he talked with me, he knew ever as much as I, Greek or Latin, and all. Answer the king here (quoth he) but speak plainly and directly, and shrink not man. Is not that (quoth he) that pleaseth the king a law? have ye not therein the civil law, (quoth he) *quod principi placuit*, and so forth? (quoth he) I have somewhat forgotten it now. I stood still, and wondered in my mind to what conclusion this should tend. The king saw me musing, and with earnest gentleness said, answer him whether it be so or no: I would not answer my lord Cromwell, but delivered my speech to the king, and told him, I had read indeed of kings that had their will always received for a law, but I told him the form of his reign, to make the laws his will was more sure and quiet, and by this form of government ye be established, (quoth I) and it is agreeable with the nature of your people: If ye begin a new manner of policy, how it will frame no man can tell, and how this frameth ye can tell, and would never advise your grace to leave a certain for an uncertain: the king turned his back, and left the matter after till the lord Cromwell turned the cat in the pan afore company, when he was angry with me, and charged me as though I had played his part. This tale is true, and not without purpose to be remembered, how I have been tossed to and fro in this kind of matter. Thus I have shewed your grace the whole matter with many more words than I intended in the entry of my letter, and make now an end, enforced by weariness of my body, fed with close air, rather than meat, which my stomach desireth not, yet I must say somewhat in the matter of only faith, wherein my lord of Canterbury so much travelleth.

First, it is sure, he shall never prove that he would say in that matter, but to make an end of it, either I am a very fool in mine own conceit, which may easily be, or I see an occasion given to your grace to make such a true determination in it, as may be honourable to your grace, the contentation of all the world, the preservation of the king's honour that dead is, without prejudice of the act of parliament, without derogation to my lord of Canterbury's honour, without diminution of the reputation of the council, and without any glory to the bishop of Winchester. Which is in some men's conceit the greatest matter of all that be yet rehearsed, and in good faith I would I were not, so all were well. Your grace's doing in Scotland, is not to my judgment more to your grace's honour than this would be, which God grant and your grace much honour and felicity. At the Fleet, the 14th of October. Your grace's humble beadman, S. W.

Winchester to the Lord Protector.

After my most humble commendations to your good grace, since the writing of my last

long letters to your good grace, which as they wearied me in writing, so they have I think wearied your grace in reading, I have been in great expectation to hear somewhat from your grace, of whose gentle and favourable mind towards me, I cannot doubt, howsoever the declaration thereof at this time be hindered by other by-persuasions, wherewith although your grace may be somewhat moved, I marvell not, and therefore whiles all things may be tried, do well satisfy myself, not minding by any suit, I have or shall make; otherwise to press your grace than may be conveniently obtained of you in the state you now present. And yet sue I must of congruence, for declaration of my humility, and also importunely sue, lest I should be seen to contemn, and to be entered into a melancholy, proudly to disdain the world, which I assure your grace I do not, nor never had any such fantasy: Whereof they can be witness, that have continually seen my behaviour, since the death of our late sovereign lord, and since my coming to this prison. And yet my lord of Canterbury, when he sent for me last out of the Fleet, handled me with fair words, declaring me a man meet in his opinion to be called to the council again, adding how we, he said, did daily chuse in, other that were not appointed by our late sovereign lord. They were worldly comfortable words, and as far contrarious on the one side, as the Fleet is on the other side: but I have not, I thank God, that deceit which my lord of Canterbury thought to be in me, or would seem to think so, whereby to induce others to think the same, as though I were not moved to say as I do, for any zeal to the truth, but of perverse frowardness, as one that like not his estate, and therefore cared not what became of him: The truth whereof to be otherwise God knoweth: and I am able to make to the world sufficient proof and testimony of the contrary if it be required: First, as touching the book of Paraphrasis, whereof I wrote to your grace special faults, and other I have to shew as great as they I trust: and doubt not, the matter itself shall sufficiently declare, that I have done well to speak against that book, assuring your grace, that since my coming to prison, many days together when I looked on it, I saw every day, some new thing in such sort of fault, as ought worthily to condemn the work, I have favoured Erasmus's name as much as any other, but I never studied over this book till now, and now I agree with them that said Erasmus laid the eggs, and Luther hatched them: adding further, that of all the monstrous opinions that have arisen, evil men had a wondrous occasion administered to them of that book; and therefore I trust the matter of that book will purge the evil opinion as might be gathered of me, wherein I offer to prove that I said with any learned man, pain of shame and rebuke, and to be taken for a malicolike beast. As for the book of Homilies, in that point where my lord of Canterbury would have taught how faith excludeth charity in the office of justifying, besides that my conscience is otherwise persuaded, and truly persuaded, it doth so touch me outwardly in the world, as if I would for any intercession or request upon offer to be a counsellor, or have as much more land as all the bishops may spend. I were worthy for so agreeing for mede on the one side, or dread on the other side; first to be whipped in every market town in the realm, and then hanged for example, as the veriest varlet that ever was bishop in any realm christened, unless my lord of Canterbury could shew me either Scripture that so said, or some ancient writer, wherein I desire only to see but one where commonly two be required in every matter: but because it is in the matter of only faith, I require but one ancient writer, whereby I cared not for my conscience as some would have it, persuaded if I might excuse myself at least to the world that I were not worthy to be whipped, and hanged in all good men's judgments, and mine own also. And this matter I write unto your grace, to declare unto you in what straits I am tyed inwardly in my conscience by very truth, so I am tyed outwardly in the world with shame, whereby appeareth that I resist not this matter of a willful purpose, or that I like it not because I was not a counsellor, which words my lord of Canterbury used to me, for I am even driven to do as I do of necessity on both sides in my conscience before God and the world abroad, whereof if I shewed not your grace such a proof as cannot be denied, let me be out of all credit in every thing, and be accounted a liar, which I abhor above all faults. Whereupon me seemeth my case is miserable to be so incumbered as I am, and yet to be used as I were without cause obstinate, notwithstanding all such circumstances as I have used to humble myself to learn and abide; I yield myself to be opposed at Oxford, that I might say, if I yielded, learning had overcome me: when that was refused, I offered myself to go to school at home, which offer to yield to the truth. And although I have to maintain me, both the plain Scriptures, the doctors plain, and the plain act of parliament: yet for conformity offered to my lord of Canterbury, to yield if he could shew me one Scripture affirming faith to exclude charity in justification, or Scripture failing as it doth indeed to shew me but one ancient writer that writeth so, with offer to yield and give place, which offer excludeth all stubbornness, and all evil opinion that might be conceived of wilfulness in me; it is now twenty days ago since I spake with my lord of Canterbury, when the strongest arguments he made me were to agree, with hope to be a counsellor again, or go to the Fleet from whence I came, for when I made request to the contrary, he said he had no such commission from the council, and so here I remain without bail or mainprize, without comfort of any of my friends or servants, as one divided from the world, no chaplain to accompany me in prayer, no barber nor taylor for bodily neccssaries, nor liberty to use physician for relief of dis-

ease, whereof I have need: And your grace who I think would shew me relief, for I will never think want of good will in you, is percase persuaded, by means that I resist the truth wilfully, and that your grace may not in anywise shew me the least comfort in the world, for then no man shall rule me. And then your grace that shewed so much favour to the earl of Southampton, late chancellor, wherein all the world commended your gentleness, if your grace should now any ways comfort me in prison with the least token of gentleness, ye might be noted to favour Winchester's factions, as some term it, whereas I take God to record I never joined myself with any man, nor have secretly encouraged any man to be of my opinion. And yet I have none other opinion, but such as the parliament hath established. The earl of Southampton did many things whilst he was chancellor touching religion, which misliked me not, but yet did I never advise him so to do: nor made on him the more for it when he had done, he was one of whom by reason I might have been bold, but I left him to his conscience, therein I never said so much secretly to any nobleman of the realm, as I have to your grace, at which time I advised your grace to be noted neither on the one side, nor the other. And your grace hath for yourself as good a name as can be. And I shall say this without flattery, that like as chance very notably hath advanced your estate many degrees, since the time of my first acquaintance with you, so have you had occasion to shew your virtue, whereby to be thought worthy your estate, by means whereof you cannot wish a more felicity than you have to be the beginning of such an estate as ye shall leave by God's grace to your posterity. This is not altogether out of my matter, for whatsoever become of me, I would your grace did well, men be mortal, and deeds revive, and me think my lord of Canterbury doth not well to entangle this your grace with this matter of religion, and to borrow of your authority the Fleet, the Marshalsea, and the King's Bench, with prisonment in his house, wherewith to cause men to agree to that it pleaseth him to call truth in religion leaving that he setteth forth not stablished, by any law in the realm, but contrary to a law in the realm: At the least a law it is not yet, and before a law made. I have not seen such a kind of imprisonment, as I sustain, humbly offering myself ready to learn: Our late sovereign lord, whose soul God pardon, suffered every man to say his mind without imprisonment, till the matter were established by law. If my lord of Canterbury hath the strength of God's spirit, with such a learning in his laws, as be able to overthrow with that breath all untruths, and establish truths, I would not desire the let of it, by your grace, nor the work of God's truth any way hindered: In which case if all the realm be persuaded besides myself in this matter, it shall be easy for to reprove me in the face of the world, and drive me to the ground with the sword of Gods Scripture, which he should rather desire to do, then to borrow the sword your grace hath the rule of, wherewith to fear men, which is a mean to slander all that is done or shall be done, if men be prisoned before a law made. And I cannot believe but there be more than I, or else I should not be kept so secret. For all my folks resorted to me, and told me there was no reason to stand alone against all men, to undo them and myself also in this world. It were a greater temptation then my lord of Canterbury made to put me in hope to be a counsellor again. Be your grace assured, the foundation of my ground is a zeal to the truth, although I have many worldly considerations to alledge for me, which serve to purge me of wilfulness, which I assure your grace is not my fault. I will not trouble your grace with all I could say of my knowledge: whatsoever my words be of my lord of Canterbury, which the matter enforced me to speak, I am in none enmity with his person, and that I am able to prove, but my lord hath in the homily of salvation taken such a matter in hand, and so handled it, as if I were his extreme enemy. I would have wished him to have taken that piece in hand, and so handled it as he hath done. For that asseveration how faith excluded charity, can neither be proved by scripture, nor confirmed by any ancient writer, or persuaded by any effectual argument. And one argument my lord hath devised, which he frameth thus: We be justified by faith without all works of the law: Charity is a work of the law, Ergo we are justified without charity. The answering of which argument, which I can do plainly by authority, shall declare that either my lord is deceived himself if he take it for a strong argument, when the opinion of his learning shall be hindered, or if he use it willingly knowing the fault in it, the lack is greater another way. But the answer to that argument dissolveth all the matter, whereunto I have an answer made 12 C. yea resby-past, which I will of my peril shew if my lord will avow it for his argument. And if my lord will send me the argument of his hand, I will send him the answer of my hand, whereby shall shortly appear, whether I trifle or no. In the latter end of my last letter to your grace I spake of a determination, whereof I wished your grace were author. For weariness of writing I did not, open what I meant in specialty, intending now to begin in the middle of this sorrow, with a merry tale: but a very true tale, and not unmeet to be rehearsed: Thus it happened, certain doctors of divinity at Paris, minding with utterance of some learning, whereof they had store, to requite a gentleman that had bidden them to dinner, using a preface, that as he had fed them with bodily meat, they would feed him with spiritual food, proponed this question to be disputed amongst them: Whether the ass that carried our Lady and Christ when Joseph fled with them into Egypt, when it carried our only Lady with Christ, in her lap, carried then, as perfect a burthen, as when it carried our Lady

with Christ on her lap, and a flea sitting on her head. Herein the doctors were in great earnest, and many hot arguments were between them in the matter, with much expence of language. Whether our Lady alone with Christ in her lap, were as perfect a burthen, as our Lady and Christ with a flea upon our Lady's head; The audience which was learned, was well cheared with laughing, but other edification the matter had not. And it may be laughed at, whensoever it is told, to see in what trifles many men spend their time: and now I shall say that which is strange at the first reading, but it is true. The matter of justification with only faith justifieth, and whether faith excludeth charity in justification, pertaineth no more to the use and practise of our Church of England, although in knowledge it be a grave matter, than the trifling question I rehearsed pertained to the hearers edification in good living: I beseech your grace to know how I put a difference between use and knowledge. The knowledge of justification as I have said is in learning of more weight, and such as for the entreating of it, many have wept even here at home, besides those that have wept in Germany, but the use and practise of it is no more necessary in the state of the Church of England, than is the handling of the other question, and for any use in the church, the one may be forborn as well as the other considering the baptism of infants, is so duly observed. In which Sacrament of baptism all we be justified before we can talk of this justification we strive for. And unless the church leave the use to Christian infants, which shall not be, there cannot be a time in which the knowledge of the justification we strive for, can be practised: But all men shall as we already have receive their justification in baptism in their infancy. So as the doctrine of only faith justifieth, if it were true as the homily declareth it is no more necessary for the present state of the church, than to know whether the burthen of our Lady and Christ only were as perfect as the burthen of our Lady and Christ with a flea sitting upon our Lady's head, which the solemn doctors of Paris so earnestly entreated.—Some will say I am waxed mad in prison to compare these two together: But as I compare them for use and practise, the one is as necessary as the other. And as I was bold to use the merry example to imprint the matter the better in your grace's memory. For it is as I say, when we have all talked, for we all are justified in baptism, younglings and falling after baptism, we must arise by the sacrament of penance, which must be confessed of all men, unless they be such as deny all sacraments as some have done indeed, wading so far in the sifting of only faith, that they have left nothing but faith alone, and yet spent a great deal of their faith in the handling of it, or rather all. And that is a general fault I find, that such as write in that matter do not handle it faithfully in alledging the doctors and scriptures right as they be. Now if this be true that I have written, which is true indeed, were it not an horrible part of you to say, why trouble ye the world for a thing not necessary, and so put it from the country, and make it as it were a checker chamber case, and so to be sent to the Universities, for whom it is meet soberly to talk, and not for homilies wherein the people shall hear that they shall never practise, because they learn it too late, being justified before in their infancy in baptism. My lord of Canterbury told me his intent, is only to set out the freedom of God's mercy, which may be done much more plainly, with putting the people in remembrance of the constant received faith of the church in the baptism of infants, where by such as be justified and saved in the virtue of Christ's passion, as after baptism by malice fall not to sin, and those must return to Christ by penance, but such as die (before that actual sin, hath defiled their soul again) if they die in the innocency received in baptism be absolved. And yet those children, when they were christened did nothing but cry for cold, or when they were over hard griped for fear of falling. And when this is believed, is not God's mercy believed to be ministered after a most free liberal sort. If my lord of Canterbury mind only that the matter shall appear without argument, as we practise justification in receiving the Sacrament of Baptism. And as for justification by only faith, is all out of use, howsoever we expound it, as the state of the church is now. And it is a terrible matter to think on, to see such a contention to rise upon a matter not necessary to be spoken of, wherein if my lord of Canterbury will needs travel, my judgement is that he shall never persuade that faith excludeth charity in justification, unless he borrow of your grace's authority prisons, and then he shall percase have some agree unto it, as poor men kneel at Rome, when the bishop there goeth by, that is to say: knocketh on the head with a halbert, if he kneel not, for that is one piece of the office of the bishop of Rome's guard. Finally there hath been nothing done, but your grace may use it to the augmentation of your honour. I have things more to say, but this matter is over-long already, and me thinks I have been over-long here, and shewing myself so humble a scholar, as I have done, it is much to be beaten, because I do not learn where no man teacheth me, and so willing to learn as I ask but one scripture, or scripture failing, as it doth for my lord of Canterbury's purpose, I ask but one ancient doctor: this is my case, for as touching any act of disobedience, my lords of the council did foresee, that I should not fall in that danger, and therefore would not trust my frailty to be in the country, when the visitors should be there: but made me sure here lest I might have offended, if I had been there, though I had but a few words to speak, that is to say, saving God's laws and the king's, yet they might have been misreported, and so engendered me more trouble; and this good I

have of my being here, which I suffer patiently, and make it so serve for my purpose in my conceit, as I thank God I have no displeasure of mind, and only feel such as the body engendereth for want of some necessaries, whereof if I may have relief at your grace's hand, I will accept it as thankfully, as any man hath any benefit at your hand, and as instantly require it of you. And yet if I have no other comfort from your grace than I have hitherto had, I will think nevertheless as well of your grace as ever I did, and be only sorry, that in the state you be in the liberty of doing that your heart would persuade you, should be straightly enclosed with respects, as my body is with wakes. This desiring your grace to take in good part my bold writing to you, I shall make and pray Almighty God for the preservation of your person. With increase of honour and felicity. At the Fleet, or rather in the Fleet. Your grace's humble beadman. S. W.

Winchester to the Lord Protector.

After my most humble commendations to your good grace, upon trust that your grace would take my letters in good part, and not otherwise than I wrote them. I wrote to your grace out of this prison, as I was wont to write to our late sovereign lord, whose soul God pardon; when I was ambassador, refreshing myself some time with a merry tale in a sad matter, which his highness ever passed over without displeasure, as I trust your grace will do the semblable. For though some account me a papist, yet I cannot play the pope wholly, as the old term was, I dare not use that severity in writing, which my cause requireth to speak of God, and his truth in every second sentence, and become suddenly a prophet to your grace, with a new phrase of speech, with whom I have been heretofore so familiarly conversant, as I think honour hath not altered your grace's nature, even so adversity hath not changed mine. Of your high place in the common-wealth, no man is more glad than I, nor no man shall do his duty further than I, to acknowledge you as your grace is now, protector and governor of the realm. But I have been so traded to speak boldly, that I cannot change my manner now, when percase it doth me no good. And although there be an Italian in prison with me, in whom I see a like folly, who living with a little miserably, will not for his honour take alms, fancying to be still in the state he was some time, which manner I condemn in him, yet I follow him thus far, rather to write after my old manner, which cometh plainly to mind, than to take alms and aid of eloquence, whereof I have in this state need. For your grace's letters return every word of my letters in my neck, and take my fly as it were a bee, which I thought should have stung no man, which matter in mirth, declareth the necessity of the other matter, as aptly as may be, neither to be necessary. And when I wrote I forgot as my fellow prisoner, the Italian doth, the state I am in now. And wrote as I had written from Antwerp in the state of ambassador. The Italian my companion hath his folly of nature, I have it of custom in bringing up which hath the effect of nature: and is called of learned men another nature. And then the proverb of gentleness hath place, when men say to him that is offended, you must bear with the man's nature, and so I trust you will do with me. Two things there be in your grace's letter, which I trust I may touch without contention. One is, that if your grace will in a plain similitude see the issue of faith only, and whether faith may exclude charity in the office of justifying, or not, it may be well resembled in the making of laws in this parliament, where the Acts be passed by three estates, which be all three present, and do somewhat together, and concur to the perfecting of the law, wherein we may not say that any one estate only made the law, or that any one estate excludeth the other in the office of making the law. This may be said, that these three estates only in respect of the rest of the realm, make the law, and there need no more of the realm be present but they. But if we speak of these three estates within themselves, there is none estate only, that maketh the law.—But where the law hath as it were a body and a soul. The high house and the low house of the parliament make as it were the body of the law, which lieth as it were a dead matter, such as is not apt to take life till the king's majesty hath by the breath of his mouth, saying, *le Roy le veult*, breathed a full life into it, in the conclusion besides the life the assembly of the other estates had by his authority to assemble, which had else been a dead assembly, even as faith and hope be dead without charity: and as the king's majesty in this similitude of making laws excludeth not in office of the whole the other two estates, no more do the estates, because they devise and frame laws, exclude the king's majesty in the office of making laws, for without his authority they be nothing, as faith and hope be without charity not effectual. And look what absurdity and untruth this saying hath in this realm to say the higher house, and the lower house, exclude the king in the office of making of laws, the same absurdity is yet in religion to say, that faith excludeth charity in the office of justification. And therefore it was never written of ancient writers, And therefore I desired my lord of Canterbury to shew me but one; and yet cannot. In our time, this dream hath been dreamed without Scripture, without authority, against Scripture, and against authority, as I can shew. And further can shew how this imagination extendeth so far by them, that open their mind in it thoroughly, as your grace would not at the first believe if I did express it. But I can shew that I fain not evidently as clearly for my discharge as I could wish. Another matter of your grace's letter is, where your grace reasoneth with me that I am over precise in finding of faults in the Paraphrasis, seeing every

book hath some faults. And then your grace taketh not Erasmus for a gospel, but as one in whom somewhat may be reprehended or amended. After which manner of sort, if your grace take the homilies; as for like reason in my judgment they must, for they be men's compositions, as the Paraphrasis is, and not the very gospel itself, why should I be kept in prison, who offered to receive the homilies and Erasmus both, so far as they were not without fault, either of God's law or the king's: because I saw the errors before, and spake of them, I have made more speed to prison than other have done, who' percease for troubling of their conscience have received the books close with such reverence, as becometh men to receive that is sent from their prince, wherein I would have done as they did, if I had not seen the books before. But I did as I have seen divers noble men do. And among them as I remember your grace, when they have being sent in service to have used such diligence, as to see their commission and instructions made, or they went and finding something doubtful or amiss, after the commission was sealed, and instructions signed worthy to be amended, have upon declaration of their mind therein obtained amendment with commendation. Now I have a charge in the bishopric of Winchester to see the people fed with wholesome doctrine, wherein I be so diligent as to look upon the commission, and considering what I shall be charged with to do, take this or that for a fault in my judgment, and labour to have it amended wherein differ I from other men's diligence. And how can it be for a fault to say reverently, to the council; My lords, me seemeth this and this cannot stand together, either instruct me in them, or amend them, in what nature of crime should this humility be: am I worthy for so saying to be condemned to a perpetual prison? and to be a close prisoner to speak with no man, to hear from no man, to talk with no man, for my household which is a great number, wandering and lamenting for me? My case should be in the nature of praise, in the nature of commendation, in the nature of thanks, if none other have said that I can say; if one only man in a realm saith, he knoweth treason to subvert the whole realm, and can shew evident proof of his so saying, shall he be prisoned because of good will he offereth to say and prove that no man else uttereth but he? And therewith offereth to prove that he saith to be true: it is incredible, that a king should set forth a book tending to the subversion of his own estate, and therefore that I shall say cannot touch his majesty, who knoweth not what is done, as reason judgeth in his tender age; it is also incredible, that your grace being uncle to him, should be content, that any book should be set forth that might tend to the subversion of his estate. And I dare say for your grace, you would not if the book be like the horse that the Trojans received into their city, wherein the Trojans knew not what was in it, let me be heard that know what is in it, and so know it, as I can shew it as evidently, as I can the sun and the moon in bright days, and bright nights, when both shine I do not trifle with my wit to undo myself, but travel with my honesty to preserve my country, to preserve my prince, to preserve religion: and this your grace shall find to be true, which knowing my letters to be construed to the extremity, I would not write unless I were furnished with matter to discharge my writing, your grace I doubt not remembereth Singleton's conspiracy. And Erasmus hath framed his doctrine, as though Singleton had required him thereunto. I have such matter to shew, as though I had myself devised it for my justification. And yet I am reasoned with, as though one given to let good doctrine, to find a knot in a rush, to trouble good enterprises; after which sort your grace is moved to write unto me, and thereupon I remain here still without hearing, having such matter to utter as shall confound them all; which I would not write if I were not assured for it were a small pleasure to me writing thus extremely, to be confounded when I had been heard, and then worthily sent hither again for lying so manifestly, which I would think a worthy punishment, as this is unworthy to be handled as I am for virtue, that I dare say the truth, can declare the abomination of this Paraphrasis, and of the homily also, in both which matters I have shewed all I can shew, I shall declare I am not worthy to be kept here, and yet here I have remained this 7 weeks without speaking with any man saving my physician, who I thank your grace hath done me good: and yet when men see I am thus banished from the world, so as no man may speak with me, it is not pleasant for any man to resort unto me, and that I perceive if my lord of Canterbury think I will wax mad he is deceived for I wax every day better learned than other, and find every day somewhat to impugn the Paraphrasis and homilies, not by wit or devise, or other subtilty, but plain sensible matter if I may be heard; and if I be not heard my conscience telleth me I have done my duty, and therewith from travel shall apply myself to prayer, wherein I shall remember the prosperous estate of your grace whom God preserve.

In the Fleet, S. W.

Winchester to the Lord Protector.

After my most humble commendations to your good grace, whatsoever your grace's considerations be not to hear me yet, nor answer me, and howsoever I determine and do bear patiently the state I am now in, reason nevertheless bindeth me to continue my suit, that if your grace seeth at any time occasion to change your determination, there shall nothing want on my behalf to provoke your grace so to do: he that is refused at one time may be heard at another, and importunity speedeth when none other means can prevail. Being also a fault in the inferior to despair of the superior in so reasonable a request as mine is, which I cannot do of your grace for other respects, I have re-

mained here long unheard of your grace, inclosed up more closely, now close religions be begun, than ever were any whiles they were here, no stranger may speak with me, I cannot have the company of my chaplain, which is necessary for me after so long time. And if your grace hath no leisure to hear me shortly, I trust you will without delay suffer my chaplain to resort unto me, as well as of your gentleness ye have suffered the physician for my body to come to me, for the which I most humbly thank your grace, herein I desire your grace to answer me by this bearer, that I may have some comfort from you, for whose preservation I shall pray to Almighty God. Your grace's humble beadman. S. W.

Winchester to the Lord Protector.

After my most humble commendations to your good grace, I am very loth, knowing your grace's business, to trouble you with many letters, and yet not hearing from your grace any thing for answer to mine own letters before written, I am so bold to write these, wherewith to put your grace in remembrance of mine estate in prison, as one dissevered from the use of his servants and friends, and as it were buried quick without knowledge of any just cause wherefore, and with knowledge, by course of time that now the parliament is begun, whereof I am a member, unless my fault had cut me off, and whereunto I was called by writ, which I received before my coming hither, where I would also gladly do my duty, as I am bounden if I were not detained and bounden in prison from my liberty, that I might so do, which allegation I make the rather to your grace, to the intent with the opening of a necessary suit worthy to be regarded, I might minister occasion to your grace, whereupon to shew such gentleness to me, as of your own gentle heart, I am persuaded your grace gladly would, for whose preservation with increase of honour I shall pray to Almighty God, who have your grace in his tuition. Your grace's humble bead-man, S. W.

Winchester to the Lord Protector.

After my most humble commendations to your good grace. I cannot discuss by conjecture, why evidence is thus put off in my case, that hath been wont commonly to be granted to all men: if it should be of any man through policy, to keep me from the parliament, it were good to be remembered, whether mine absence from the upper house, with the absence of those I have used to name in the nether house, will not engender more cause of objection, if opportunity serve hereafter, than any presence with such as I should appoint were there, the signification whereof is the chief cause of these letters, for as I am now encumbered with being here, so might some be encumbered therewith hereafter, which should do me pleasure: My matter that I have to say toucheth the highest, and is worthy to be heard, whereunto my lord of Canterbury can only answer that he would never have thought it, or that he hath been otherwise informed of them he put in trust, for it would touch him over much to grant he had so much knowledge in the Paraphrasis, as I now have, and knowing the same to have advised your grace to set it forth to the people, I can say much, which is expedient for your grace to hear and consider, desiring only this credit of your grace to think me worthy to be heard, and thereupon give me audience, I cannot enchant men, ne look not to be believed in the matter, unless it be so plain, as no man can gain-say it, and therein the book to be judge. The nature of my cause should move your grace, the present assembly of learned men should move your grace to celebrate mine audience: and if your grace knew what I could say of the long letters your grace sent, good faith, your grace would make so much the more speed. For whereas the purpose of your grace in these letters is, to alter my judgment, the handling of the matters is such, as I am able to shew good cause why they should as they do, work a contrary effect, as I am able to declare, if ever I come to your presence. My lord of Canterbury will needs maintain that our late sovereign lord was seduced, and then it is possible that your grace may be seduced also, and therefore it is good for your grace to hear and to bear in time; whatsoever I have written to your grace is true, and I have not written all the specialties I know in the greatest matters, which your grace shall perceive to be true, I see evidently, that unless my matter be very notable, and also plain, it shall not boot me to alledge it thus much, I am learned by your grace's letters, and therefore if I had any cause to mistrust it, I would use another mean whereof in your grace's letters I see some comfort, but my matter is so plain and so expedient to be understood, that I must needs desire your grace to be heard in it, wherein it may like you to send me knowledge of your pleasure, and that my suit to your grace may stand in some stead, for whose preservation in honour I shall daily pray to Almighty God, who preserve your grace. In the Fleet. Your grace's humble bead-man. S. W.

Winchester to the Lord Protector.

After my most humble commendations to your good grace. In my third letters I signified unto your grace my need of the counsel of physician, as the state of my body then required: whereunto because I had no answer, I have used all other means of relief, that I could to avoid that need, as one loth to trouble your grace with requests not necessary, Master Warden of the Fleet, and my servants know that I fain not, and I have cause to fear, the effect will shew I fain not indeed. In this case I may not desperately forbear to write to your grace, and think that because I have had no answer to all mine other letters, among which I made mention of this necessity, that I should likewise have none answer to this. As I have determined myself to a truth in the chief mat-

ters, so I eschew to use simulation in by-matters; my mind I thank God was never so quiet, as hath been since my coming hither, which hath relieved my body much, but the body hath need of other relief, which cannot be had as I am kept by commandment. These 7 weeks saving one day I have been here under such strait keeping, as I have spoken with no man. And thus me seemeth I see my matter perplexed, your grace will meddle with nothing done before your coming home. And those of the council that hath sent me hither, can by themselves do nothing, now your grace is come home: upon which consideration I sue to none of them, and perceive that your grace to whom I sue, for some respect forbeareth to make me answer, for such a Paraphrasis I make of your grace's silence, wherein I go as near I think the truth, than Erasmus in his Paraphrasis some time, wherein he taketh upon him to guess the causes of Christ's doings, I thank God my mind can take no hurt, how vehement soever these temptations be. But when a certain sect of philosophers called stoicks, contemned in their learning stoutly the grief and disease of the body, they were fain a little to shrink, when the gout or any disease nipped them, and now my stomach nippeth me, which I have favoured as much as any man in England, and have laden it as light either with meat or drink of many years, and specially since my coming hither as any other. And after I saw I could get no answer from your grace for a physician, I have left off such study as I used, and given myself to continual walking for exercise, and with hope of relief, have delayed any further suit in that matter till now. And now I sue enforced, which I do most humbly with request, that imprisonment, being to me, that was never in prison before, of itself too tedious, be not with special commandment made more grievous, unless I were charged with other offence than I am yet charged with, or in my conscience can be. For me seemeth I have deserved thanks of your grace, and the realm, for the disclosing of the faults of the Paraphrasis, wherein I have written some specialties, but not all; and have such to shew as I may term that book at one word, abomination, both for the malice and untruth of much matter out of Erasmus pen and also the arrogant ignorancy of the translator into English considering the book should be authorised by a king, and by the injunctions charge the realm for buying rather above 20,000*l.* than under, whereof I have made account by estimate of the number of buyers, and the price of the whole books: the translator sheweth himself ignorant, both in Latin and English, a man far unmeet to meddle with such a matter, and not without malice on his part, whereby your grace may take an argument, what moved them that counseled your grace to authorise such a book in the realm. As for my lord of Canterbury's homily of salvation hath as many faults, as I have been weeks in prison, which be 7, besides the general that the matter maketh a trouble without necessity, and is handled contrary to the teaching of the parliament.—Finally in the 2 books the matter I have to show is some part so dangerous, as after I knew it as I know it, the concealment thereof were a great fault, if I did not utter it. As for the manner of mine enterprise to utter it, I know not how to have fashioned it better, than to write to the council in your absence, and on my knees to declare some part of it, when I came to them receiving their determination of imprisonment, I humbly departed from them hither without grudge, and remain here without grudge to any one of them, for they shewed no fashion of any evil mind towards me. And I have learned in the civil law that the deed of a number, is no one man's act with this also, the authority is to be honoured, which rule I observe in thought word and deed. After which sort I remain with such suits as I have made to your grace hitherto, and with this also that I add, enforced for the relief of my body, how little soever I do, and have cause to set by it, which I most humbly desire your grace to consider, and to send me some answer by this bearer: and I shall pray Almighty God for the preservation of your grace's felicity. Your grace's humble beadman. S. W.

Articles and Positions ministered and objected, each of them jointly and severally, to the Bishop of Winchester, and contained in a Letter from the Lord Protector to the said Bishop as followeth.

Article 1. "Imprimis, That the king's majesty justly and rightfully is, and by the laws of God ought to be supreme head in earth of the Church of England, and also of Ireland, and so is by the clergy of this realm in their convocation, and by act of parliament justly and according to the laws of God recognised."

Winchester. This first Article the Bishop granteth.

Art. 2. Item, That his majesty, as supreme head of the said Churches, hath full power and authority to make and set forth laws, injunctions, and ordinances for and concerning religion, and orders of the said churches, for the increase of virtue, and repressing of all errors, heresies, and other enormities, and abuses.

W. To this second Article he answereth affirmatively.

Art. 3. Item, That all and every his grace's subjects are bound by the law of God to obey all his majesty's said laws, injunctions, and proceedings concerning religion and orders in the said Church.

W. To the third Article the said Bishop answereth affirmatively and granteth it.

Art. 4. Item, That you Steven Bishop of Winchester have sworn obedience unto his majesty as supreme head of this Church of England, and also of Ireland.

W. To the fourth Article, the said Bishop answereth affirmatively and granteth it.

Art. 5. Item, That all and every his grace's subjects, that disobey any his majesty's said

laws, injunctions, ordinances, and proceedings already set forth and published, or hereafter to be set forth and published, ought worthily to be punished, according to his ecclesiastical law used within this his realm.

W. To this fifth Article the said Bishop answereth affirmatively and granteth it.

Art. 5. Item, That you the said Bishop as well in the king's majesty's late visitation within your diocese, as at sundry times have been complained upon, and sundry informations made against you for your doings, sayings, and preachings against sundry injunctions, orders, and other proceedings of his majesty, set forth for reformation of errors, superstitions, and other abuses of religion.

W. This Article toucheth other men's acts, who or how they have complained or informed, I cannot thoroughly tell. For at the time of the king's majesty's visitation I was in the Fleet, and the morrow after Twelfth Day I was delivered at Hampton-court, my lord of Somerset and my lord of Canterbury then being in council, with many other counsellors, and was delivered by these words: The king's majesty hath granted a general pardon, and by the benefit thereof I was discharged: whereunto I answered, That I was learned never to refuse the king's majesty's pardon, and in strength as that was; and I would and did humbly thank his majesty therefore, and then they began with me in an article of learning touching justification, whereunto they willed me to say my mind; adding therewith, that because other learned had agreed to a form delivered unto me, I should not think I could alter it: which I received of them, and promised the Thursday after to repair to my lord of Somerset's house at Sheene, with my mind written; which I did, and at that day seven-night following, appearing before him and other of the council, was committed to my house for prisoner, because I refused to subcribe to the form of words and sentences that other had agreed unto, as they said. In which time of imprisonment in my house, the bishop of Rochester then being sent to me, and after master Smith, and then master Cecil, to which master Cecil, when I had by learning resolved my mind in the matter, I delivered it, and he delivering it to my lord's grace, wrote me, in his name, thanks for it; and it was within the time of Lent, ere I was discharged of that trouble, and so went to Winchester as a man clearly out of all travel of business.—And within 14 days after that, or thereabouts, began other travel with me, upon a request made by my lord of Somerset to surrender a college in Cambridge, and divers letters were written between his grace and me in it. Wherein I might perceive the secretary with his pen took occasion to prick me more, than I trusted my lord's grace himself would have done. And by this trouble was I deduced to an end. Then shortly after I received letters to come to the council, and by reason I alledged my disease, I was respited by other letters, and three days before Whitsuntide received yet other letters to come, by which it might seem unto me, that it was not of all believed that I was diseased. And therefore with all expedition, when I could not ride, I came in an horse litter, and according to my duty presented myself to my lords of the council, who all then entertained me secretly among them before the matters were objected unto me, as if I had been in the same place with them that I was in our late sovereign lord's days. Afterwards my lord of Somerset's grace charged me with these matters following, and in this form, having the articles written in a paper.—First, with disobedience that I came not at his sending for. Whereunto I answered, That I had his letters of licence to stay till I might come conveniently. And upon these last letters I came incontinently in a horse litter. Then it was objected, That I bare palms, and crept to the cross. Whereto I answered, That they were misinformed, and I trusted they would not think I durst deny it, if I had done it, because ceremonies had such circumstances, as I might easily be reproved if it were otherwise. Then it was objected, That at Easter I had a solemn sepulchre in the church, and such other ceremonies. I answered, That I had even as many as the king's majesty's proclamations commanded me: declaring plainly, That I thought it not expedient to make any alteration, wherein to offend the king's majesty's proclamation; adding how he that followeth as he is commanded is very obedient.—It was then objected unto me, That I went about to deface two of the king's majesty's chaplains, sent down to be canons of the church of Winchester. Whereunto I answered, declaring the fact truly as it was, which I am yet able to justify. After this matter thus oft objected and answered, I was commanded to go apart, and being called in again, my lord of Somerset's grace, looking upon a bill of articles, said I had preached how the apostles went from the presence of the council, of the council, of the council;* which matter I denied, adding, That it was not my fashion of preaching, so to play in iteration of words.—After that, it was objected unto me for preaching of the sacrament, to say, the body of Christ was 'really' present, being a fault to use the word 'really,' not comprised in the scripture. Whereunto I answered, That I did not use the word 'really,' which needeth not. For as I once heard my lord of Canterbury reason against one Lambert in the presence of the king's majesty that dead is; the words of the scripture, 'This is my body that shall be betrayed for you,' do plainly and lively express the very presence, and so did I set it forth to the people in my diocese.—And this is the effect of all that was said against me at my being at the council, as I can remember. To whom I declared how much I esteemed obedience, and told them I had taught in my diocese, how the whole life of a Christian man consisteth in suffering properly; and therefore we may not do our own will, but the will of God: and among men, we must

* Sic Orig.

either suffer the rulers will, or their power; their will to order us, and their power to punish us. After declaration whereof, my lord of Somerset said, Ye must tarry in the town. Whereunto I answered, I would be contented at their commandment or pleasure to tarry; but seeing I was no offender, I desired them I might not tarry as an offender: and for declaration thereof that I might have some house in the country about London, to remove unto for a shift. In devising whereof I stuck much to borrow Asshar. My lord of Somerset said, if he had any, in faith he would lend me one. And in the end my lord of Somerset desired me to write what my mind was in ceremonies, and to send it unto him, and with that departed.—Thus I have truly opened after what sort I have been complained on, that hath certainly come to my knowledge; truth it is, that one Philpot in Westminster, whom I accounted altered in his wits, as I have heard, devised tales of me, the specialities whereof I never was called to answer unto. Players and minstrels also railed on me, and others made ballads and rhymes of me, but never man had just cause to complain of any my sayings, doings, or preachings, or to my knowledge did, otherwise than afore. And if any man shall put me in remembrance of any other complaint that might in my absence be made of me, if I have heard it, I will grant so. But well assured I am, I was never complained on, and called to make answer to the complaint, but this one time in all my whole life by any man of any degree. Once the lord Cromwell, God pardon his soul and forgive him, caused one day and a half to be spent in a matter between sir Francis Brian and me, which was ended, and I declared an honest man, which the king's majesty that dead is, God pardon his soul, set forth with his familiarity to me incontinently. And this is all the trouble that I have had in my life, saving the sending to the Fleet, being occasioned by my own letter to the council, upon a zeal that I had, which they allowed not. And finally, this sending of me to the Tower; which was without calling me before the council, to hear what I could say. I am loth to be forsworn, and therefore I account all the complaints in my whole life made against me whereunto I have been made privy.

Art. 7. Item, That after and upon occasion of those and many other complaints and informations, you have been sundry times admonished, commanded and enjoined to conform yourself, as to your duty appertained.

W. To this seventh article I answer; I was never called afore the council by way of outward complaint and information, but only once in all my whole life, which was at my last coming to London. Whereunto I answered as afore, and have told the form and process of speech to serve for furniture of answer to this and that article: for other than I have before written I remember not to have done or suffered by the higher powers in all my whole life, till my coming into the Tower, without that I have had any by-admonitions, as a man faulty or negligent at any time, that I remember not, for the observation of any thing already made or set forth by the king's majesty that now is, but have kept, and caused to be kept to my power the king's majesty's acts, statutes, injunctions, and proclamations inviolably, having for that purpose such a chancellor, as in orders and ordinances hath been always himself diligent and precise, for that time I might have knowledge of his doings.

Art. 8. Item, That after the premises, and for that those former admonitions and commandments notwithstanding, you did yet still shew yourself not conformable, and for that also others by your example were much animated, and thereby occasion of much unquietness ministered among the people, you were called before the king's majesty's council in the month of June, in the second year of his majesty's reign, and by them on his majesty's behalf commanded to preach a sermon before his majesty, and therein to declare the justness and godliness of his majesty's father in his proceedings upon certain matters partly mentioned in certain articles to you delivered in writing, and partly otherwise declared unto you. The effect whereof was touching the usurped power and authority of the bishop of Rome, that the same was justly and godly taken away in this realm and other the king's majesty's dominions; touching the just suppressing and taking away of monasteries and religious houses, of pilgrimages, reliques, shrines, images. The superstitious going about of St. Nicholas bishop, St. Edmund, St. Katharine, St. Clement, and such like; and just taking away of chantries, abbeys and colleges, hallowing of candles, water, ashes, palm, holy bread, beards, creeping to the cross, and such like. Also, touching the setting forth of the king's majesty's authority in his young years to be as great as if his highness were of many more years. That auricular confession is indifferent, and of no necessity by the law of God; and touching the procession and common prayer in English.

W. This Article being of so many parts as it is, some true, some otherwise, must be answered by division of it into divers members, to divide the one from the other, granting that which is true, denying that which is otherwise, and opening that which is ambiguous, avoiding that which is captious; so as, according to my oath, I may open directly and plainly the truth, with sincerity of conscience. The motion of preaching was made unto me in mine own house by master Cecil, upon the duke of Somerset's behalf, after I had been before the council, as I have before said; from which council I departed, as before is rehearsed, as no offender; and therefore when master Cecil spake to me of preaching before the king's majesty, with request to write my sermon before, I denied that manner of preaching, because I said it was to preach like an offender, and I was none, but departed from the council otherwise, as I have before shewed. And the said

master Cecil did not say to me that I was moved to preach, because I was not conformable; for I had at that time no manner of variance with the council, but was in all conformity with them, for any thing that I know, as I will answer afore God.—As for evil example, to any man, I could none give, for I never offended law, statute, or proclamation in this realm, ne did ever any act to the impairing of due obedience to the king's majesty in all my whole life; but by observation of them, and letting innovations, have done as much as in me lay to maintain obedience.—After master Cecil had spoken to me of preaching, and delivered two papers containing the matters whereupon I should intreat, because I refused to give my sermon in writing, which was to me like an offender, or to read those papers of another man's device, as the conception and sincere manner of uttering of mine own conscience, which me thought then since, and yet, a marvellous unreasonable matter, touching both my conscience and honesty, I was then set to the duke of Somerset's grace's chamber, and came in at a back door to himself alone, saving he took to him as witness he said, the lord now of Wiltshire, then great master; and after many words, he shewed me certain articles subscribed by lawyers, what a bishop might command, and what the king might command, and what pain to the disobeyer.—To whom I said plainly and truly, how those lawyers subscription could not serve in this case to command me to utter to the people, for mine own devise in words, that which is not indeed so; and if I might speak with these lawyers, I said, his grace should soon perceive them to agree with me. My lord said, I should speak with no man, and I should do as I was bidden, or do worse, and bad me advise me till dinner was done. And then was I conveyed by the lord great master to his chamber, and there left alone to dine, as was indeed honourably prepared. But I took myself to be in the nature of a prisoner, and a restrained man.—And about two of the clock at afternoon came unto me master Thomas Smith, then secretary, unto whom I complained of the unreasonableness of the matter, and shewed him certain particularities; who said it was not meant so precisely, but to speak of the matters. To whom I said, I was content to speak of the matters, and then if I speak not according to the truth of them, there should be enough to bear witness to my condemnation, and if I speak the truth, then they had their desire. And I said further, I thought I might with my conscience say so as men ought and should be content and satisfied. And further, if I thought that in my manner of the uttering of those matters I should offend the council, I had rather deny to speak of the thing, and begin the contention secretly with them, than to begin with pulpit, and so bring myself in further trouble than needed; and therefore if they would have me preach, I would preach as of myself, and of these matters, so as I thought they should be content.—Whereupon I was brought up to my lord of Somerset's chamber, and there the matter ended thus, that my lord of Somerset said he would require no writing of me, but remit it to me, so I spake of the matters in the papers delivered me by master Cecil. I told him I would speak of them, saving for childrens' toys, of going about of Saint Nicholas, and Saint Clement. If that be now gone, quoth I, and forgotten, if I be too busy in rehearsal of them, they will say I cumber their heads with ceremonies, and thus they will defame me. When ceremonies were plenty, they will say, I did nothing but preach on them, and now they be gone, I babble of them still. I said I would teach the chief points, adding that I would speak of other matters also, and with that, being put to my liberty to choose the day, departed; and otherwise I was not spoken with concerning preaching, saving after Master Cecil came unto me, whereof I shall speak anon.—And concerning the matters to be spoken of, all such things as be here rehearsed be named in the papers delivered unto me, although not altogether after this sort; saving the setting forth of the king's majesty's authority in his minority, whereof there is no word in those papers, now was there ever any promise made of me to speak of it. Truth it is, that after I had signified the day when I would preach, Master Cecil came unto me, making the chief message to know the day when I would preach: to whom I had sent word before that it should be St. Peter's day, because me thought the Gospel served well for that purpose, and in process of communication he told me that he liked gaily well a word that I had said in another communication, how a king was as much a king at one year of age as at an hundred years of age, and if I touched it, he thought it would be well taken. I told him again, every man knew that, and then opened of myself the matter further. And at his next repair unto me, which was the Monday before I preached, the said Master Cecil brought me papers of the king's majesty's hand, shewing me how the king's highness used to note every notable sentence, and specially if it touched a king; and therefore (quoth he) if ye speak of a king, ye must join counsel with all. Whereunto I made no answer, but shifted to other matter, without making him any promise, or denial, because I would neither bind myself, nor trouble myself to discuss that matter. For albeit it is godly and wisely done of every prince to use counsel; yet, speaking of a king's power by Scripture, I cannot by express Scripture limit the king's power by counsel. And hearing blindly by report some secret matter, that I will not speak of here, I thought not to meddle with it at all in the pulpit; and yet to the effect to have our sovereign lord now obeyed, of which mind I was ever, I pointed to our sovereign lord there in presence, and said he was only to be obeyed, and I would have but one king, and other words to that purpose. But for any promise to be made by me, I utterly deny it, and tell plainly the cause why I

spake not otherwise of it. There was also, in the papers delivered unto me, occasion given me to speak of the mass, because of masses satisfactory, as some understand them. And also there was occasion to speak of the sacrament of the altar, because of the proclamation passed of the same, which to be true, I shall justify by the said papers.

Art. 9. Item, That you receiving the same; and promising to declare the same in a sermon by you made before his majesty for that purpose on the feast of St. Peter in the said second year of his reign, did then and there contemptuously and disobediently omit to declare and set forth many of the said matters, and of divers other of the said articles you spake and uttered your mind in such doubtful sort, as the justness and godliness of his majesty's father's and his proceedings was not set forth according to the commandment given unto you, and your own promise, to the great offence of the hearers, and manifest contempt of his majesty, and dangerous example of others.

W. Touching that promise I answer as before; and as touching omission of that I should have spoken of, by contempt or disobedience, I answer by mine oath; I did not omit any thing (if I did omit it) by contempt or disobedience; for I ever minded to satisfy the promise, to speak of all matters in those papers according to my former declaration. And if I did percase omit any thing, whereof I can make now no assurance, it being two years and a half past since I preached) but if I did omit any thing, he who knew my travel in the matter, would not marvel, being troubled with a letter sent from the duke of Somerset, whereof I shall speak after. So as from four of the clock on Thursday, till I had done my sermon on the Friday, I did neither drink, eat, nor sleep, so careful was I to pass over the travel of preaching without all slander of the truth, and with satisfaction of my promise, and discharge of my duty to God and the king's most excellent majesty. Wherein, whether any thing were omitted or not, I could have answered more precisely than I can now, if according to my most instant suit, and the suit of my servants, the matter had been heard while it was in fresh memory. But because omission may be by infirmity of nature, in which oblivion is a pain of our original sin, in which case it is no mortal offence, if a man being put in remembrance will purge it; I therefore, according to the true testimony of mine own conscience, dare the more boldly deny all contempt and disobedience, having for my declaration a general sentence spoken in my sermon, that I agreed with the upper part in their laws, orders and commandments, or such like words, and found fault only in the lower part. By which sentence it appeared, how I allowed in the whole that was past hitherto, and only dissented from the doings of them that attempt innovations of their own presumption. And furthermore I say, That that saying (omission) here objected unto me, if it were true, as I know it not to be, may happen two ways; one way by infirmity of nature, another way of purpose. Charity of a Christian man permitteth not to determine the worst of that which is doubtful and ambiguous to both parties: as touching doubtfulness objected, I take God to record, I minded to speak simply, and to be on the king's majesty's side only, and not to go invisible in the world, with ambiguities, esteeming him, &c. The worst man of all is he, that will make himself a lock of words and speech, which is known not to be my fashion, nor do I think this life worth that dissimulation, and how can that be a doubtful speech in him, that professeth to agree with the king's laws, injunctions and statutes, which I did expressly? There be that call in doubt whatsoever serveth not their appetite. It is not in the speaker to satisfy the hearer that will doubt where doubt is not. The sum of my teaching was, that all visible things be ordered to serve us, which we may in convenient service use. And when we serve them, that is an abuse, and may then, at the ruler's pleasure, unless scripture appointeth a special use of them, be corrected in that use, or taken away for reformation. And this is a plain teaching that hath no doubt in it, but a yea and nay on both sides, without a mean to make a doubt, And if any that doubteth cometh unto me, I will resolve him the doubt as I can. And if I promised to speak plainly, or am commanded to speak plainly, and cannot, then is my fault to promise only in the nature of folly and ignorance, whereunto I resort, not for a shift, whereof indeed I profess the knowledge, but to shew how sometime to my hinderance I am noted learned, that can speak plainly, and yet speak doubtfully, otherwhiles am rejected as one that understandeth not the matter at all. As touching contempt, there can be none manifest that proceedeth of a privy promise; if I had broken it, I intended not, but intended to take it, as appeareth by my general sentence, to agree with the superiors, and only find fault in the inferior subjects, who daily transgress the king's majesty's proclamations and other, whereof I spake then.

Article 10th. Item, that you being also commanded on his majesty's behalf, for avoiding of tumult, and for other great considerations, inhibited to treat of any matter in controversy concerning the mass, and of the communion, then, commonly called the sacrament of the altar, did contrary to the said commandment and inhibition, declare divers your judgments and opinions in the same, in the manifest contempt of his highness's said inhibition, to the great offence of the hearers, and disturbance of common quiet and unity of the realm.

W. To the tenth Article the said bishop answered, that the Wednesday at afternoon, next before the Friday when I preached, M. Cecil came to me, and having in all his other accesses spoken no word thereof, did then utter and advise me from the D. of Somerset, that I should not speak of the sacrament or of the mass,

master Cecil did not say to me that I was moved to preach, because I was not conformable; for I had at that time no manner of variance with the council, but was in all conformity with them, for any thing that I know, as I will answer afore God.—As for evil example, to any man, I could none give, for I never offended law, statute, or proclamation in this realm, ne did ever any act to the impairing of due obedience to the king's majesty in all my whole life; but by observation of them, and letting innovations, have done as much as in me lay to maintain obedience.—After master Cecil had spoken to me of preaching, and delivered two papers containing the matters whereupon I should intreat, because I refused to give my sermon in writing, which was to me like an offender, or to read those papers of another man's device, as the conception and sincere manner of uttering of mine own conscience, which me thought then since, and yet, a marvellous unreasonable matter, touching both my conscience and honesty, I was then set to the duke of Somerset's grace's chamber, and came in at a back door to himself alone, saving he took to him as witness he said, the lord now of Wiltshire, then great master; and after many words, he shewed me certain articles subscribed by lawyers, what a bishop might command, and what the king might command, and what pain to the disobeyer.—To whom I said plainly and truly, how those lawyers subscription could not serve in this case to command me to utter to the people, for mine own devise in words, that which is not indeed so; and if I might speak with these lawyers, I said, his grace should soon perceive them to agree with me. My lord said, I should speak with no man, and I should do as I was bidden, or do worse, and bad me advise me till dinner was done. And then was I conveyed by the lord great master to his chamber, and there left alone to dine, as was indeed honourably prepared. But I took myself to be in the nature of a prisoner, and a restrained man.—And about two of the clock at afternoon came unto me master Thomas Smith, then secretary, unto whom I complained of the unreasonableness of the matter, and shewed him certain particularities; who said it was not meant so precisely, but to speak of the matters. To whom I said, I was content to speak of the matters, and then if I speak not according to the truth of them, there should be enough to bear witness to my condemnation, and if I speak the truth, then they had their desire. And I said further, I thought I might with my conscience say so as men ought and should be content and satisfied. And further, if I thought that in my manner of the uttering of those matters I should offend the council, I had rather deny to speak of the thing, and begin the contention secretly with them, than to begin with pulpit, and so bring myself in further trouble than needed; and therefore if they would have me preach, I would preach as of myself, and of these matters, so as I thought they should be content.—Whereupon I was brought up to my lord of Somerset's chamber, and there the matter ended thus, that my lord of Somerset said he would require no writing of me, but remit it to me, so I spake of the matters in the papers delivered me by master Cecil. I told him I would speak of them, saving for childrens' toys, of going about of Saint Nicholas, and Saint Clement. If that be now gone, quoth I, and forgotten, if I be too busy in rehearsal of them, they will say I cumber their heads with ceremonies, and thus they will defame me. When ceremonies were plenty, they will say, I did nothing but preach on them, and now they be gone, I babble of them still. I said I would teach the chief points, adding that I would speak of other matters also, and with that, being put to my liberty to choose the day, departed; and otherwise I was not spoken with concerning preaching, saving after Master Cecil came unto me, whereof I shall speak anon.—And concerning the matters to be spoken of, all such things as be here rehearsed be named in the papers delivered unto me, although not altogether after this sort; saving the setting forth of the king's majesty's authority in his minority, whereof there is no word in those papers, now was there ever any promise made of me to speak of it. Truth it is, that after I had signified the day when I would preach, Master Cecil came unto me, making the chief message to know the day when I would preach: to whom I had sent word before that it should be St. Peter's day, because me thought the Gospel served well for that purpose, and in process of communication he told me that he liked gaily well a word that I had said in another communication, how a king was as much a king at one year of age as at an hundred years of age, and if I touched it, he thought it would be well taken. I told him again, every man knew that, and then opened of myself the matter further. And at his next repair unto me, which was the Monday before I preached, the said Master Cecil brought me papers of the king's majesty's hand, shewing me how the king's highness used to note every notable sentence, and specially if it touched a king; and therefore (quoth he) if ye speak of a king, ye must join counsel with all. Whereunto I made no answer, but shifted to other matter, without making him any promise, or denial, because I would neither bind myself, nor trouble myself to discuss that matter. For albeit it is godly and wisely done of every prince to use counsel; yet, speaking of a king's power by Scripture, I cannot by express Scripture limit the king's power by counsel. And hearing blindly by report some secret matter, that I will not speak of here, I thought not to meddle with it at all in the pulpit; and yet to the effect to have our sovereign lord now obeyed, of which mind I was ever, I pointed to our sovereign lord there in presence, and said he was only to be obeyed, and I would have [illegible] one king, and other words to that [illegible] But for any promise to be made [illegible] terly deny it, and tell plainly th[illegible]

spake not otherwise of it. There was also, in the papers delivered unto me, occasion given me to speak of the mass, because of masses satisfactory, as some understand them. And also there was occasion to speak of the sacrament of the altar, because of the proclamation passed of the same, which to be true, I shall justify by the said papers.

Art. 9. Item, That you receiving the same; and promising to declare the same in a sermon by you made before his majesty for that purpose on the feast of St. Peter in the said second year of his reign, did then and there contemptuously and disobediently omit to declare and set forth many of the said matters, and of divers other of the said articles you spake and uttered your mind in such doubtful sort, as the justness and godliness of his majesty's father's and his proceedings was not set forth according to the commandment given unto you, and your own promise, to the great offence of the hearers, and manifest contempt of his majesty, and dangerous example of others.

W. Touching that promise I answer as before; and as touching omission of that I should have spoken of, by contempt or disobedience, I answer by mine oath; I did not omit any thing (if I did omit it) by contempt or disobedience; for I ever minded to satisfy the promise, to speak of all matters in those papers according to my former declaration. And if I did percase omit any thing, whereof I can make now no assurance, it being two years and a half past since I preached) but if I did omit any thing, he who knew my travel in the matter, would not marvel, being troubled with a letter sent from the duke of Somerset, whereof I shall speak after. So as from four of the clock on Thursday, till I had done my sermon on the Friday, I did neither drink, eat, nor sleep, so careful was I to pass over the travel of preaching without all slander of the truth, and with satisfaction of my promise, and discharge of my duty to God and the king's most excellent majesty. Wherein, whether any thing were omitted or not, I could have answered more precisely than I can now, if according to my most instant suit, and the suit of my servants, the matter had been heard while it was in fresh memory. But because omission may be by infirmity of nature, in which oblivion is a pain of our original sin, in which case it is no mortal offence, if a man being put in remembrance will purge it; I therefore, according to the true testimony of mine own conscience, dare the mo[illegible]ly deny all contempt and disobedience [illegible] my declaration [illegible]eral senten[illegible] my sermon, tha[illegible]with th[illegible] their laws, ord[illegible]man[illegible] like words, [illegible] part. By w[illegible] allowed in [illegible] and only di[illegible] attempt in[illegible] And furthe[illegible] 1000) here[illegible]

I know it not to be, [illegible] one way by infirmity of nature, another [illegible] purpose. Charity of a Christian man [illegible] teth not to determine the [illegible] doubtful and ambiguous [illegible] touching doubtfulness [illegible] record, I [illegible] on the king's majesty's [illegible] invisible in the [illegible] ing him, &c. The [illegible] will make himself a [illegible] which is known [illegible] think this life worth that [illegible] can that be a doubtful speech in him, that [illegible] fesseth to agree with the king's laws, injunctions and statutes, which I did expressly? [illegible] be that call in doubt whatsoever serveth [illegible] their appetite. It is not in the speaker to [illegible] tisfy the hearer that will doubt where doubt [illegible] not. The sum of my teaching was, that all [illegible] ble things be ordered to serve us, which [illegible] may in convenient service use. And when [illegible] serve them, that is an abuse, and may then, [illegible] the ruler's pleasure, unless scripture appointeth [illegible] special use of them, be corrected in that use, [illegible] taken away for reformation. And this is [illegible] plain teaching that hath no doubt in it, but [illegible] yea and nay on both sides, without a mean [illegible] make a doubt. And if any that doubteth [illegible] eth unto me, I will resolve him the doubt as [illegible] can. And if I promised to speak plainly, or [illegible] commanded to speak plainly, and cannot, then [illegible] is my fault to promise only in the nature of folly [illegible] and ignorance, whereunto I resort, not for a [illegible] shift, whereof indeed I profess the knowledge, [illegible] but to shew how sometime to my hinderance I [illegible] am noted learned, that can speak plainly, and [illegible] yet speak doubtfully, otherwhiles [illegible] as one that understandeth not the matter at all. As touching contempt, there can be none manifest that proceedeth of a [illegible] had broken it, I intended [illegible] take it, as appeareth by my [illegible] to agree with the [illegible] in the inferior [illegible] the king's majesty's [illegible] whereof I [illegible]

Article [illegible] Item, that you being also commanded [illegible] arguing of [illegible] siderations, inhibited to treat of any matter in controversy concerning the mass, and of the communion, then, commonly called the sacrament of the altar, did contrary to the said commandment and inhibition, declare divers your judgments and opinions in the same, in the manifest contempt of his highness's said inhibition, to the great offence of the hearers, and disturbance of common quiet [illegible] unity of the realm.

W. To the tenth Article the said bishop answered [illegible] Wednesday at [illegible] when I preached, [illegible]

whereby he said I should avoid trouble. And when he saw me not to take it well, I mean, quoth he, doubtful matters. I asked him what? he said transubstantiation. I told him he wist not what transubstantiation meant. I will preach, quoth I, the very presence of Christ's most precious body and blood in the sacrament, which is the Catholic faith, and no doubtful matter, ne yet in controversy, saving that certain unlearned speak of it they wot not what. And among the matters, quoth I, whereof I have promised to speak, I must by special words speak of the sacrament and of the mass also. And when I shall so speak of them, I will not forbear to utter my faith and true belief therein, which I think necessary for the king's majesty to know; and therefore if I wist to be hanged when I came down, I would speak it. Which plain zeal of my conscience, grounded upon God's commandment to do his message truly, I would not hide, but utter so, as my lord should, if he would not have it spoken of, not let me to come there as he might have done: whereas else, if I had had a deceitful purpose, I might have accepted the advice, and without any colour of trouble have refused to follow it as a thing grounded upon wealth only, as it was then uttered. With this my answer M. Cecil departed, and upon the Thursday which was the next day following, and the evening before I preached between three and four at afternoon, I received a letter signed with the hand of the duke of Somerset, the copy whereof I am ready to exhibit, and took it then and esteemed it so now to contain no effectual inhibition whereunto I might by God's law, or the king's majesty's laws, with discharge of my conscience and duty obey, although the said letters had been, as they were not, in such terms framed, as had precisely forbidden me, as they did not, but only uttered to speak of matters in controversy of the sacrament which indeed I did not, but only uttered a truth to my conscience most certainly persuaded of the most holy sacrament, necessary to be known to the king's majesty, and to be uttered by me admitted to that place of preaching, from whence God commandeth his truth to be uttered, which in this nature of truth, the undue estimation and use whereof Saint Paul threateneth with temporal death, may in no wise be omitted. So as I was and am persuaded the right estimation of the sacrament to be to acknowledge the very presence of the same most precious body and blood present in the sacrament to feed us, that was given to redeem us. If I shewed not my sovereign lord the truth thereof, I for my part suffer him wittingly to fall into that extreme danger of body, which Saint Paul threateneth, whose person I am bound by nature, by special oaths, and by God's laws, to preserve to my power, as I will do, and must do by all ways and means. And if the king's majesty doth vouchsafe to teach his people not to obey his commandment, where God commandeth the contrary, I might not take my lord of Somersets letter for an inhibition to hold my peace, when God biddeth me to speak, as he doth when the wolf cometh, and not to hide myself in silence, which is the most shameful running away of all. I have much matter to alledge against the letter why I should not credit it, written in his name alone, against a common letter, as I took it, written by him and the Council, and published in print the first day of the said month, which maintaineth my preaching of the sacrament and mass, according to the proclamation and injunctions, the violation of which public letters, had been a disorder and contempt, whereas I neither offended in the one, nor the other.—And as for tumult, none could reasonably be feared of any thing spoken agreeable to the king's majesty's laws, as there did follow none, nor the people, nor any man did offer my person any wrong, or make tumult against me: notwithstanding, players, jesters, rhymers, ballad-makers, did signify me to be of the true catholic faith, which I according to my duty declared to the king's majesty, from whom I may hide no truth that I think expedient for him to know. And as the name of God cannot be used of any creature against God, no more can the king's name be used of any subject against his highness. Wherefore seeing the abuse of this holy sacrament hath in it a danger assured by scripture of body and soul; whosoever is persuaded in the catholic faith as I am, findeth himself so burdened to utter that unto his majesty, as no worldly loss can let him to do his duty in that behalf, and much less my lord's private letters written without other of the council's hands.

Art. 11. Item, That after the premises, viz. in the month of May or June or one of them, in the third year of his highness reign, his majesty sent efisoons unto you to know your conformity towards his said reformations, and specially touching the book of common prayer, then lately set forth by his majesty, whereunto you at the same time refused to shew yourself conformable.

W. To the 11th Article: for answer and declaration thereof, he said, the next day at afternoon after he had preached, when he looked for no such matter, came to his house the right worshipful sir Anthony Wingfield, and sir Rafe Sadler, knights, accompanied with a great number of the guard, and used themselves for their part according to their worships, and (I doubt not) as they were appointed, and sir Rafe Sadler began thus with me; My lord, said he, ye preached yesterday obedience, but ye did not obey yourself, and went forth with his message very soberly, as he can, and discreetly. I asked him wherein I obeyed not. He said, touching my lord of Somerset's letter. Master Sadler, quoth I, I pray you say unto my lord's grace, I would he never made mention of that letter for the love I bear him. And yet, quoth I, I have not broken that letter, and I was minded, quoth I, to have written to my lord upon the receipt of it, and lo, quoth I, ye may see how I began, and shewed him (because we were then in my study) the beginning of my

letter, and reasoned with him for the declaration of myself, and told him therewith, I will not spend, quoth I, many words with you, for I cannot alter this determination. And yet in good faith, quoth I, my manner to you, and this declaration may have this effect, that I be gently handled in the prison, and for that purpose I pray you make suit on my behalf.—Master Wingfield laid his hand on my shoulder and arrested me in the king's name for disobedience. I asked him whither I should? They said to the Tower. Finally I desired them that I might be spoken with shortly, and heard what I could say for myself, and prayed them to be suiters in it, and so they said they would.—After that I was once in the Tower, until it was within six days of one whole year, I could hear no manner, word, message, comfort, or relief, saving once when I was sick, and me thought some extremity towards me, my chaplain had leave to come to me once, and then denied again, being answered, that my fever was but a tertian, which my said chaplain told me when he came to me at the Easter following, and there being with me from the morning till night on Easter day departed, and for no suit could I ever have him since. To master Lieutenant I made divers suits to provoke the duke of Somerset's grace to hear me: and if I might have the liberty of an Englishman, I would plainly declare I had neither offended law, statute, act, proclamation, nor his own letter neither; but all would not help, and I shall report me to Mr. Lieutenant whether in all this time I maligned, grudged, or used any unseemly words, ever demanding justice, and to be heard according to justice. When I had been thus in the Tower one whole year within six days or seven, as I remember, came to the Tower the lord chancellor of England, now being the lord treasurer, and master secretary Peter, who calling me unto them, as I remember, entered thus; they said they had brought with them a book passed by the parliament, which they would I should look on, and say my mind to it, and upon my conformity in it, my lord of Somerset would be suiter to the king's majesty for mercy to be ministered to me. Whereunto I answered, that I trusted if I might be heard, the king's majesty's justice would relieve me, which I had long sued for, and could not be heard. And to sue for mercy, quoth I, when I have not in my conscience offended, and also to sue out of this place, where asking of mercy implieth a further suspicion than I would be for all the world touched in, were not expedient; and therefore, quoth I, not guilty, is and hath been continually allowed a good plea for a prisoner. Then my lord said, why quoth he, were ye not commanded to preach of the king's authority in his young age, and did not? I told him I was not commanded. Is not, quoth he, that article in the papers ye had delivered you? I assured him no.—And after communication of the king's majesty's authority wherein was no disagreement, then my lord chancellor said I had disobeyed my lord's grace's letter. I told him I thought not, and if the matter came to judgment it should appear. And then I said to him, My lord, how many open injunctions under seal and in open court have been broken in this realm? the punishment whereof hath not been handled after this sort, and yet I would stand in defence that I have not broken his letter, weighing the words of his letter, wherein I reasoned with master secretary Peter what a controversy was, and some part what I could say further. But whatsoever I can say, quoth I, you must judge it, and for the passion of God do it, and then let me sue for mercy, when the nature of the offence is known, if I will have it. But when I am, quoth I, declared an offender, I will with humility of suffering make amends to the king's majesty, so far as I am able; for I should never offend him, and much less in his young age.—My lord chancellor then shewed me the beginning of the act for common prayer, how dangerous it was to break the order of it. I told him that it was true, and therefore if I came abroad, I would be well aware of it. But it is, quoth I, after in the act, how no man should be troubled for this act, unless he were first indicted, and therefore (quoth I) I may not be kept in prison for this act. Ah (quoth he) I perceive ye know the law well enough. I told him my chaplain had brought it unto me the afternoon before. Then they required me to look on the book, and to say my mind in it; I answered that I thought not meet to yield myself a scholar to go to school in prison, and then slander myself as though I redeemed my faults with my conscience. As touching the law which I know, I will honour it like a subject, and if I keep it not, will willingly suffer the pain of it. And what more conformity I should shew, I cannot tell; for mine offences be past if there be any. If I have not suffered enough, I will suffer more, if upon examination I be found faulty: and as for this new law, if I keep it not, punish me likewise.—Then my lord chancellor asked me whether I would not desire the king's majesty to be my good lord. At which words I said: Alas my lord, quoth I, do ye think that I have so forgotten myself? My duty, quoth I, requireth so, and I will on my knees desire him to be my good lord, and my lord protector also, quoth I: That is well said, quoth my lord chancellor. And what will he say further? quoth my lord chancellor. in good faith, quoth I, this, that I thought when I had preached, that I had not offended at all, and think so still, and had it not been for the article of the supremacy, I would have rather fained myself sick, than be occasion of this that hath followed; but going to the pulpit, I must needs say as I said. Well, quoth my lord chancellor, let us go to our purpose again. Ye will, quoth he, desire the king's majesty to be your good lord, and the lord protector also, and ye say ye thought not to have offended. All this I will say, quoth I; and ye will (quoth my lord chancellor) submit yourself to be ordered by my lord protector. Nay, quoth I, by the law;

for my lord protector, quoth I, hath scourged me over sore this year, to put my matter in his hands now. And in the latter point I varied with my lord chancellor, when I would not refer my order to my lord protector, but to the law; and staying at this point they were content to grant me of their gentleness to make their suit to procure me to be heard, and to obtain me liberty to go in the gallery, and that I should hear of one of them within two days following. I desired them to remember that I refused not the book by way of contempt, nor in any evil manner, but that I was loth to yield myself a scholar in the Tower, and to be seen to redeem my faults, if I had any, with my conscience. My body, I said, should serve my conscience, but not contrarywise. And this is the truth, upon my conscience and oath, that was done and said at their coming. There was more said to the purposes aforesaid. And I bind not myself to the precise form of words, but to the substance of the matter and fashion of the entreating. So near as I can remember I have truly discharged mine oath. But I heard no more of my matter in one whole year after almost, within fourteen days, notwithstanding two letters written by me to the council, of most humble request to be heard according to justice. And then at the end of two years almost, came unto me the duke of Somerset, with other of the council; which matter because it is left out here, I shall not touch, but prepare it in a matter apart, for declaration of my behaviour at all times.

Art. 12. Item, That after that, &c. the ninth day of July, in the fourth year of his majesty's reign, his highness sent unto you his grace's letters, with a certain submission and articles, whereunto his grace willed and commanded you to subscribe. To which submission you contemptuously refused to subscribe.

IV. To the twelfth Article, for answer thereunto, he granted that about the time mentioned in this article, the lord treasurer, the earl of Warwick lord great master, sir William Harbert, and master secretary Peter came to the Tower, and called me before them, and delivered unto me the king's majesty's letters, which I have to shew, and received them at the hands of the lord treasurer upon my knees, kissed them as my duty was, and still upon my knees read them, whereas they gently required me to take more ease, and go apart with them, and consider them: which after that I had thoroughly read, I much lamented that I should be commanded to say of myself as was there written, and to say otherwise of myself than my conscience will suffer me, and where I trust my deeds will not condemn me, there to condemn myself with my tongue. I should sooner (quoth I to them) by commandment, I think if ye would bid me tumble myself desperately into the Thames.—My lord of Warwick seeing me in that agony, said, What say ye my lord, quoth he, to the other articles: I answered, That I was loth to disobey where I might obey, and not wrest my conscience, destroying the comfort of it, as to say untruly of myself. Well, quoth my lord of Warwick, will ye subscribe to the other articles? I told him I would. But then, quoth I, the article that toucheth me must be put out. I was answered, that needeth not, for I might write on the outside what I would say unto it. And then my lord of Warwick entertained me very gently, and would needs whiles I should write, have me sit down by him; and when he saw me make somewhat strange so to do, he pulled me nearer him, and said, we had ere this sat together, and trusted we should do so again. And then having pen and ink given me, I wrote, as I remember, on the article that touched me, these words; I cannot with my conscience say this of myself; or such like words. And there followed an article of the king's majesty's primacy, and I began to write on the side of that, and had made an I, onward, as may appear by the articles, and they would not have me to do so; but write only my name after their articles, which I did. Whereat because they shewed themselves pleased and content, I was bold to tell them merrily, That by this means I had placed my subscription above them all; and thereupon it pleased them to entertain me much to my comfort.—And I was bold to recount unto them merry tales of my misery in prison, which they seemed content to hear; and then I told them also (desiring them not to be miscontent with that I should say) when I remember each of them alone, I could not think otherwise but they were my good lords, and yet when they meet together I feel no remedy at their hands. I looked (quoth I) when my lord of Somerset was here, to go out within two days, and made my farewel feast in the Tower and all; since which time there is a month past, or thereabout; and I agree with them, and now agree with you, and I may fortune to be forgotten. My lord treasurer said nay, I should hear from them the next day; and so by their special commandment I came out of the chamber after them, that they might be seen depart as my good lords; and so was done. By which process appeareth how there was in me no contempt, as is said in this article, but such a subscription made as they were content to suffer me to make, which I took in my conscience for a whole satisfaction of the king's majesty's letters, which I desire may be deemed accordingly. And one thing was said unto me further, that other would have put in many more articles, but they would have no more but those.

Art. 13. Item, That you having eftsoons certain of the king's majesty's honourable council sent unto you the 12th of July, in the said 4th year, with the said submission, and being on his majesty's behalf required and commanded to consider again and better the said commission, and to subscribe the same, stood in justification of yourself, and would in no wise subscribe thereunto.

W. To the 13th Article he said, The next day after the being in the Tower of the said lord treasurer, the earl of Warwick, and other, came

unto me sir William Harbert and master secretary Peter, to devise with me how to make some acknowledging of my fault (as they said) because the other form liked me not. Whereunto I said, I knew myself innocent, and to enter with you to entreat of a devise to impair my innocency in any the least point either by words or writings, it can have no policy in it. For although I did more esteem liberty of body, than the defamation of myself, yet, quoth I, when I had so done with you, I were not so assured by you to come out. For when I were by my own pen once made a naughty man, then were I not the more sure to come out, but had locked myself the more surer in; and a small pleasure were it to me to have my body at liberty by your procurement, and to have my conscience in perpetual prison by mine own act. Many more words there were, and persuasions on their parts; which caused me to require of them, for the passion of God, that my matter might take an end by justice; and so they departed, there being no contempt or faction of disobedience shewed on my behalf, but only allegation for my defence of mine innocency in the best manner I could devise, as I trust they will testify.

Art. 14. Item, That after all this, viz. the 14th day of July in the said 4th year, the king's majesty sent yet again unto you certain of his majesty's honourable council, with another submission, and divers other articles, willing and commanding you to subscribe your name thereunto. Which to do you utterly refused.

W. To the 14th Article he said, that on the Monday in the morning following came the bishop of London, sir William Harbert, master secretary Peter, and another whom I know not, who brought with them a paper, with certain articles written in it, which they required me to subscribe Whereupon I most instantly required, that my matter might be tried by justice, which although it were more grievous, yet it hath a commodity with it, that it endeth certainly the matter. And I could never yet come to my assured stay, and therefore refused to meddle with any more articles, or to trouble myself with the reading of them; and yet they desired me so instantly to read them, that I was content, and did read, and to shew my perfect obedient mind, offered incontinently upon my delivery out of prison to make answer to them all, such as I would abide by, and suffer pain for, if I have deserved it. I would indeed gladly have been in hand with my lord of London; but he said he came not to dispute, and said it was the hand of God that I was thus in prison, because I had so troubled other men in my time. Finally, my request was, That they should in this form make my answer to my lords of the council as followeth: that I most humbly thank them of their good will to deliver me by the way of mercy, but because in respect of mine own innocent conscience I had rather have justice, I desired them, seeing both was in the king's majesty's hands, that I might have it; which if it happen to me more grievous, I will impute it to myself, and evermore thank them for their good will; and so departed I with them, as I trust they will testify, and no misbehaviour or misdemeanor to have been used on my behalf.

Art. 15. Item, That after all this, videlicet, the 19th day of July, in the said 4th year, you being personally called before the king's majesty's privy council, and having the said submission and articles openly and distinctly read unto you, and required to subscribe the same, refused for unjust considerations by you alledged to subscribe the same.

W. To the 15th Article I grant, that upon a Saturday at afternoon, even at such time of the day as they were at evensong in the chapel at the court, I was brought thither, and at my coming the lords of the council said, they were all my judges by special commission, and intended to proceed thus with me: that I should subscribe certain articles which were then read, and I must directly make answer, whether I would subscribe them or no. I answered on my knees in this wise: For the passion of God, my lords, be my good lords, and let me be tried by justice, whether I be faulty or no; and as for these articles, as soon as ye deliver me to my liberty, I would make answer to them whether I would subscribe them or no. Then they having further to say, I answered, these articles were of divers sorts; some be laws, which I may not qualify; some be no laws, but learning and fact, which may have divers understandings, and a subscription to them without telling what I mean, were over dangerous. And therefore I offered, for the more declaration of mine obedience to all their requests, that if they would deliver me the articles into the prison with me, I would shortly make them particular answer, and suffer the pains of the law, that by my answer I might incur into. Whereupon I was commanded to go apart, and they sent unto me the lord treasurer and master secretary Peter, who communed with me of a mean way, and that liked not the lords. And then I was called forth again, and my absolute subscription required again: and I again made offer to answer particularly, for I could not with my conscience subscribe them as they were absolutely. And these my considerations I trust to be just, seeing no man for any commandments ought to offend his conscience, as I must have done in that case.

Art. 16. Item, That for your sundry and manifold contempts and disobediences in this behalf used, the fruits of your bishopric were then by special commission of his majesty justly and lawfully sequestered.

W. To the 16th Article, I deny contempts and disobedience of parts, and say, That my doings cannot so be termed, because it is taught in this realm for a doctrine of obedience, that if a king command that which is contrary to the commandment of God, the subject may not do as he is commanded, but humbly stand to his conscience, which is my case, who could not with my conscience do as I was re-

quired. And as touching the fact of decree, there was indeed a decree read, having words so placed and framed as though I were such an offender, which matter I deny. And in that decree was mention made of administration of fruits; but whether the former words were of the present tense, or else to be sequestered, I cannot precisely tell, but do refer that to the tenor of the decree.

Art. 17. Item, That after this you had intimation and peremptory monition, with communication that you should within three months next following the said intimation, reconcile and submit yourself, under pain of deprivation.

W. To the 17th Article I answer, that in the same decree of sequestration at the same time read, I kneeling from the beginning of the decree to the latter end, I remember there was an intimation and three months spoken of, and expressed also how at every month's end I should have pen and ink offered to write, if I would yet subscribe, and as I understand it was upon the pain of proceeding further. And I do not remember that I heard the word deprivation, but therein I refer me to the acts of the sentence; which when it was read, I desired it might be testified what mine offer was, to answer all those articles particularly even remaining in prison. And this done, I made suit to some of my servants abroad to resort to me to the Tower, partly for my comfort, partly for my necessary business, which could not be obtained. And yet to provoke it, I said to my lord of Warwick, how for agreeing with my lord of Somerset I had some commodity, and for agreeing with him had nothing, and therefore would needs by intercession press him, that I might by this means have some of my servants resorting unto me. He answered very gently. And then one said, I should within two or three days have somebody come to me. And then I was dismissed, with commandment to the lieutenant, to let me have the same liberty I had, but no more.

Art. 18. Item, That the said three months are now thoroughly expired and run.

W. To the 18th Article he said, There is almost six months passed in time and number of days, but not one month past to the effect of the law, nor ten days neither, because I have been so kept in prison, that I could not seek for remedy in form above said, nor was there at every month, after the form of the sentence, offered me pen, ink, and liberty given me to consult and deliberate with other learned men and friends, what were best to do, or to send unto them. And furthermore, the very eighth day after the decree given, I protested before my servants, whom I had only commodity to use as witnesses of the nullity of the decree, for the evident and apparent matter in it; but if it were any in law, I appealed to the king's majesty, because my request was not admitted, to have the copy of the articles to answer them particularly, and because it is excessive correction, to sequester my fruits and keep me in prison. With other cases to be deduced where I might have opportunity. Which appellation I protested to intimate as soon as I could come to any presence meet therefore, as I did in this assembly at my last repair, desiring therewith the benefit *restitutionis in integrum*, because of mine imprisonment; and therefore do answer this matter with protestation of that appeal, and utterly deny all manner of contempt.

Art. 19. Item, That you hitherto, according to the said intimation and monition, have not submitted, reconciled, nor reformed yourself, but contemptuously yet still remain in your first disobedience.

W. To the 19th Article I say, That I have been all this while in prison so kept, as no man could have access to council with me, nor any means to write or send to any man, having made continual suit to master Lieutenant and master Marshal, under whose custody I am here, to make suit in my name to the lords of the council, that I might come to hearing, or else be bailed upon surety, which I could not obtain, and so have remained under the benefit of my said appeal to the king's majesty, made as I might for the time, which I eftsoons desire I may have libefty to prosecute.—And whereas answering to these articles for declaration of the integrity of my conscience, I use in the same places general words; I protest I mean not by those words to set forth myself otherwise more arrogantly then as my direct intent (which excludeth malice) and purpose moveth me to say, and as my conscience beareth witness unto me at this time, and therefore will say therein with St. Paul, *Nihil mihi conscius sum, sed non in hoc justificatus sum.* Wherefore if any especially be objected unto me, wherein, by ignorance or oversight and negligence, any offence of mine may appear against the king's majesty's laws, statutes and injunctions, I shall desire and protest that it be not prejudicial to mine answer (for this present, *credo*, as lawyers in civil matters use that term) to be true, that is to say, such as without any alteration in my conscience presently I may of myself say in affirmation or denial, as afore is answered. And whereas I spake of commandment to be made to me against God's law, I protest not to touch my sovereign lord's honour therein, which my duty is by all means to preserve, but that the commandment given resolveth to be against God's law on my part in the obedience to be given, because I may not answer or say otherwise but *est, est; non, non.* So as my words and heart may agree together, or else I should offend God's law, which my sovereign, if he knew my conscience, would not command me."

After these things thus passed, certain of the council, by the king's appointment, had sundry days and times access to him in the Tower to persuade with him, which were these, the duke of Somerset, the lord treasurer, the lord privy seal, the lord great chamberlain, and Mr. se-

cretary Peter. Who repairing to him the 10th day of June, anno 1550, he desired of them to see the king's book of proceedings; upon the sight whereof he would make a full answer, seeming to be willing in all things to conform himself thereunto; and promising that in case any thing offended his conscience, he would open it to none but to the council. Whereupon it was agreed the book should be sent him to see his answer, that his case might be resolved upon, and that for the mean time he should have the liberty of the gallery and garden in the Tower, when the duke of Norfolk were absent.—The king then was lying at Greenwich, at which time the lieutenant of the Tower was appointed to deliver the king's book to the bishop of Winchester. Who, within three days after, which was the 13th of June, made declaration again unto the council, that the bishop having perused it, said unto him, he could make no direct answer unless he were at liberty, and so being he would say his conscience. Whereupon the lords, and other that had been with him the other day, were appointed to go to him again to receive a direct answer, that the council thereupon might determine further order for him.—The answer of the bishop being received, through the report of the lords which had been with him, declaration was made again, the 8th day of July, 1550, that his answers were ever doubtful, refusing while he were in prison to make any direct answer. Wherefore it was determined that he should be directly examined whether he would sincerely conform himself unto the king's majesty's proceedings or not. For which purpose it was agreed that particular articles should be drawn, to see whether he would subscribe them or not, and a letter also directed unto him from the king's highness, with the which the lord treasurer, the lord great master, the master of the horse, and master secretary Peter, should repair unto him; the tenor of which letter hereafter insueth.

A Letter sent to the Bishop of Winchester, signed by the King, and subscribed by the Council.

"It is not, we think, unknown unto you, with what clemency and favour we by the advice of our council caused you to be heard and used, upon the sundry complaints and informations that were made to us and our said council of your disordered doings and words, both at the time of our late visitation, and otherwise. Which notwithstanding, considering that the favour, both then and many other times ministered unto you, wrought rather an insolent wilfulness in yourself, than any obedient conformity, such as would have beseemed a man of your vocation, we could not but use some demonstration of justice towards you, as well for such notorious and apparent contempts and other inobediences, as after and contrary to our commandment were openly known in you, as also for some example and terror of such others as by your example seemed to take courage to mutter and grudge against our most godly proceedings; whereof great discord and inconvenience at that time might have ensued. For the avoiding whereof, and for your just deservings, you were by our said council committed to ward. Where albeit we have suffered you to remain a long space, sending unto you in the mean time at sundry times divers of the noblemen and others of our privy council, and travelling by them with clemency and favour to have reduced you to the knowledge of your duty; yet in all this time have you neither acknowledged your faults, nor made any submission as might have beseemed you, nor yet shewed any appearance either of repentance or of any good conformity to our godly proceedings. Wherewith albeit we both have good cause to be offended, and might also justly by the order of our laws cause your former doings to be reformed and punished to the example of others: yet for that we would both the world and yourself also should know that we delight more in clemency, than in the straight administration of justice, we have vouchsafed not only to address unto you these our letters, but also to send eftsoons unto you four of our privy council with certain Articles; which being by us with the advice of our said council considered, we think requisite for sundry considerations to be subscribed by you, and therefore will and command you to subscribe the said Articles, upon pain of incurring such punishment and penalties as by our laws may be put upon you for not doing the same. Given at our palace of Westminster, the 8th day of July, the 4th year of our reign."

With this Letter addressed from the King and his Council, these ARTICLES *also were delivered to the Bishop of Winchester here following.*

The Copy of the ARTICLES.

"WHEREAS I Stephen bishop of Winchester have been suspected as one too much favouring the bishop of Rome's authority, decrees and ordinances, and as one that did not approve or allow the king's majesty's proceedings in alteration of certain rights in religion, was convented before the king's highness's council, and admonished thereof; and having certain things appointed for me to do and preach for my declaration, have not done that as I ought to do, although I promised to do the same; whereby I have not only incurred the king's majesty's indignation, but also divers of his highness's subjects have by my example taken encouragement (as his grace's council is certainly informed) to repine at his majesty's most godly proceedings; I am right sorry therefore, and acknowledge myself condignly to have been punished, and do most heartily thank his majesty, that of his great clemency it hath pleased his highness to deal with me, not according to rigour, but mercy. And to the intent it may appear to the world how little I do repine at his highness's doings, which be in religion most godly, and to the common wealth most profitable, I do affirm and

say freely of my own will, without any compulsion, as ensueth.—1. That by the law of God, and the authority of scriptures, the king's majesty and his successors are the supreme heads of the Churches of England and also of Ireland. 2 Item, That the appointing of holy days and fasting days, as Lent, Ember-days, or any such like, or to dispense therewith, is in the king's majesty's authority and power: and his highness as supreme head of the said Churches of England and Ireland, and governor thereof, may appoint the manner and time of the holy days and fasting days, or dispense therewith, as to his wisdom shall seem most convenient for the honour of God and the wealth of this realm. 3. That the king's majesty hath most christianly and godly set forth, by and with the consent of the whole parliament, a devout and christian book of service of the church to be frequented by the church, which book to be accepted and allowed of all bishops, pastors, curates, and all ministers ecclesiastical of the realm of England, and so of him to be declared and commended in all places where he shall fortune to preach or speak to the people of it, that it is a godly and christian book and order, and to be allowed, accepted, and observed of all the king's majesty's true subjects. 4. I do acknowledge the king's majesty that now is (whose life God long preserve) to be my sovereign lord, and supreme head under Christ to me as a bishop of this realm, and natural subject to his majesty, and now in this his young and tender age to be my full and entire king; and that I and all other his highness's subjects are bound to obey all his majesty's proclamations, statutes, laws, and commandments, made, promulgate, and set forth in his highness's young age, as well as though his highness were at this present 30 or 40 years old. 5. I confess and acknowledge, that the statute, commonly called the statute of the six Articles, for just causes and grounds is by authority of parliament repealed and disannuled. 6. That his majesty and his successors have authority in the said Churches of England and also of Ireland, to alter, reform, correct, and amend all errors and abuses, and all rites and ceremonies ecclesiastical as shall seem from time to time to his highness and his successors most convenient for the edification of his people, so that the same alteration be not contrary or repugnant to the scripture and law of God. Subscribed by STEVEN WINCHESTER, with the testimonial hands of the Council to the same."

To these ARTICLES afore specified although Winchester with his own hand did subscribe, granting and consenting to the supremacy of the king as well then being as of his successors to come; yet because he stuck so much in the first point touching his submission, and would in no case subscribe to the same, but only made his answer in the margin (as is above noted) it was therefore thought good to the king, that the master of the horse, and master secretary Peter should repair unto him again with the same request of submission, exhorting him to look better upon it; and in case the words seemed too sore, then to refer it unto himself in what sort and with what words he should devise to submit him, that upon the acknowledgment of his fault, the king's highness might extend his mercy and liberality towards him as it was determined. Which was the 11th day of June, the year above said.—When the master of the horse and secretary Peter had been with him in the Tower according to their commission, returning from him again they declared unto the king and his council how precisely the said bishop stood in justification of himself, that he had never offended the king's majesty: wherefore he utterly refused to make any submission at all. For the more surety of which denial, it was agreed that a new book of articles should be devised, wherewith the said master of the horse and master secretary Peter should repair unto him again, and for the more authentic proceeding with him, they should have with them a divine and a temporal lawyer, which were the bishop of London, and master Goodrick.

The Copy of the last ARTICLES *sent to the Bishop of Winchester.*

"WHEREAS I Stephen bishop of Winchester have been suspected as one that did not approve or allow the king's majesty's proceedings in alteration of certain rites in religion, and was convented before the king's highness's council, and admonished thereof, and having certain things appointed for me to do and preach for my declaration, have not done therein as I ought to do, whereby I have deserved his majesty's displeasure; I am right sorry therefore. And to the intent it may appear to the world how little I do repine at his highness's doings, which be in religion most godly, and to the commonwealth most profitable, I do affirm as followeth:—1. That the late king of most famous memory king Henry the 8th, our late sovereign lord, justly and of good reason and ground hath taken away, and caused to be suppressed and defaced, all monasteries and religious houses, and all conventicles and covents of monks, friers, nuns, canons, bonhoms, and other persons called religious, and that the same being so dissolved, the persons therein bound and professed to obedience to a person, place, habit, and other superstitious rites and ceremonies, upon that dissolution and order appointed by the king's majesty's authority as supreme head of the Church, are clearly released and acquitted of those vows and professions, and at their full liberty, as though those unwitty and superstitious vows had never been made. 2. Item, that any person may lawfully marry, without any dispensation from the bishop of Rome or any other man, with any person whom it is not prohibited to contract matrimony with, by the law Levitical. 3. That the vowing and going on pilgrimage to images, or the bones, or reliques of any saints, hath been superstitiously used, and cause of much wickedness and idolatry, and therefore justly abolished by the said late king of famous

memory, and the images and reliques so abused have been for great and godly considerations defaced and destroyed. 4. That the counterfeiting of St. Nicholas, St. Clement, St. Catharine, and St. Edmund, by children, heretofore brought into the Church, was a mere mockery and foolishness, and therefore justly abolished and taken away. 5. It is convenient and godly, that the scripture of the Old Testament and New, that is, the whole Bible, be had in English and published to be read of every man, and that whosoever doth repel and dehort men from reading thereof doth evil and damnably. 6. That the said late king, of just ground and reason did receive into his hands the authority and disposition of chauntries and such livings as were given for the maintenance of private masses, and did well change divers of them to other uses. 7. Also the king's majesty that now is, by the advice and consent of the parliament, did upon just ground and reason suppress, abolish, and take away the said chauntries and such other livings as were used and occupied for maintenance of private masses, and masses satisfactory for the souls of them that are dead, or finding of obites, lights or other like things: the mass that was wont to be said of priests was full of abuses, and had very few things of Christ's institution, besides the Epistle, Gospel, the Lord's Prayer, and the words of the Lord's Supper, the rest for the more part were invented and devised by bishops of Rome, and by other men of the same sort, and therefore justly taken away by the statutes and laws of this realm; and the Communion which is placed instead thereof, is very godly, and agreeable to the scriptures. 8. That it is most convenient and fit, and according to the first institution, that all Christian men should receive the sacrament of the body and blood of Christ in both the kinds, that is, in bread and wine. 9. And the mass, wherein only the priest receiveth, and the other do but look on, is but the invention of man, and the ordinance of the bishop of Rome's church, not agreeable to scripture. 10. That upon good and godly considerations it is ordered in the said book and order, that the sacrament should not be lifted up, and shewed to the people to be adored, but to be with godly devotion received, as it was first instituted. 11. That it is well, politicly and godly done, that the king's majesty by act of parliament hath commanded all images which have stood in churches and chapels, to be clearly abolished and defaced, lest hereafter at any time they should give occasion of idolatry, or be abused, as many of them heretofore have been, with pilgrimages and such idolatrous worshipping. 12. And also for that like godly and good considerations, by the same authority of parliament, all mass books, cowchers, grails, and other books of the service in Latin, heretofore used, should be abolished and defaced, as well for certain superstitions in them contained, as also to avoid dissention; and that the said service in the church should be thorough the whole realm in one uniform conformity, and no occasion through those old books to the contrary. 13. That bishops, priests, and deacons have no commandment of the law of God, either to vow chastity, or to abstain continually from marriage. 14. That all canons, constitutions, laws positive, and ordinances of man, which do prohibit or forbid marriage to any bishop, priest, or deacon, be justly, and upon godly grounds and considerations taken away and abolished by authority of parliament. 15. The Homilies lately commanded and set forth by the king's majesty, to be read in the congregation of England, are godly and wholesome, and do teach such doctrine as ought to be embraced of all men. 16. The book set forth by the king's majesty, by authority of parliament, containing the form and manner of making and consecrating of archbishops, bishops, priests, and deacons, is godly, and in no point contrary to the wholesome doctrine of the Gospel, and therefore ought to be received and approved of all the faithful members of the Church of England, and namely the ministers of God's word, and by them commended to the people. 17. That the orders of subdeacon, benet, and colet, and such others as were commonly called *minores ordines*, be not necessary by the word of God to be reckoned in the Church, and be justly left out in the said book of orders. 18. That the holy Scriptures contain sufficiently all doctrine required of necessity for eternal salvation through faith in Jesus Christ, and that nothing is to be taught as required of necessity to eternal salvation, but that which may be concluded and proved by the holy Scriptures. 19. That upon good and godly considerations it was and is commanded by the king's majesty's injunctions, that the paraphrases of Erasmus in English should be set up in some convenient place in every parish Church of this realm, whereas the parishioners may most commodiously resort to read the same. 20 And because these articles aforesaid do contain only such matters as be already published and openly set forth by the king's majesty's authority, by the advice of his highnesses council, for many great and godly considerations, and amongst others for the common tranquillity and unity of the realm; his majesty's pleasure, by the advice aforesaid, is, that you the bishop of Winchester shall not only affirm these articles with subscription of your hand, but also declare and profess yourself well contented, willing and ready to publish and preach the same at such times and places, and before such audience as to his majesty, from time to time, shall seem convenient and requisite, upon pain of incurring such penalties and punishments as for not doing the same may by his majesty's laws be inflicted upon you. These Articles were sent the 15th of July. The bishop of Winchester receiving and perusing these Articles, made this Answer again; That first touching the Article of submission, he would in no wise consent, affirming as he had done before, that he had never offended the king's majesty in any such

sort as should give him cause thus to submit himself: praying earnestly to be brought unto his trial; wherein he refused the king's mercy, and desired nothing but "justice." And for the rest of the Articles, he answered, That after he were past this trial in his first point, and were at liberty, then it should appear what he would do in them; it not being, as he said, reasonable, that he should subscribe them in prison.

Of this Answer when the king and his council had intelligence by the foresaid master of the horse, secretary Peter, the bishop of London, and master Goodrick, who had been with him, it was agreed that he should be sent for before the whole council, and peremptorily examined once again, whether he would stand at this point or no; which if he did, then to denounce unto him the sequestration of his benefice, and consequently the intimation, in case he were not reformed within three months, as in the day of his appearance shall appear. The tenor and words of which Sequestration, with the Intimation, followeth:

The Words of the Sequestration; *with the Intimation to the Bishop of Winchester.*

"Forasmuch as the king's majesty our most gracious sovereign lord understandeth, and it is also manifestly known and notorious unto us, that the clemency and long sufferance of his majesty worketh not in you that good effect and humbleness and conformity, that is requisite in a good subject; and for that your disobediences, contempts, and other misbehaviours, for the which you were by his majesty's authority justly committed to ward, have since your said committing daily more and more increased in you, in such sort as a great slander and offence is thereof risen in many parts of the realm, whereby also much slander, dissension, trouble, and unquietness is very like more to ensue, if your foresaid offences being as they be openly known, should pass unpunished: we let you wit, that having special and express commission and commandment from his majesty, as well for your contumacies and contempts so long continued and yet daily more increasing, as also for the exchange of the slander and offence of the people, which by your said ill demeanors are risen, and for that also the church of Winchester may be in the mean time provided of a good minister, that may and will see all things done and quietly executed according to the laws and common orders of this realm, and for sundry other great and urgent causes, we do by these presence sequester all the fruits, revenues, lands, and possessions of your bishopric of Winchester, and discern, deem and judge the same to be committed to the several receipt, collection and custody of such person or persons as his majesty shall appoint for that purpose. And because your former disobediences and contempts so long continued, so many times doubled, renewed and aggravated, do manifestly declare you to be a person without all hope of recovery and plainly incorrigible; we eftsoons admonish and require you to obey his majesty's said commandment, and that you do declare yourself, by subscription of your hand, both willing and well contented to accept, allow, preach and teach to others the said articles, and all such other matters as be or shall be set forth by his majesty's authority of supreme head of this church of England, on this side and within the term of three months, whereof we appoint one month for the first monition, one month for the second monition and warning, and one month for the third and peremptory monition.—Within which time as you may yet declare your conformity, and shall have paper, pen and ink, when you shall call for them for that purpose, so if you wilfully forbear and refuse to declare yourself obedient and conformable as is aforesaid, we intimate unto you that his majesty, who like a good governor desireth to keep both his commonwealth quiet, and to purge the same of evil men (especially ministers) intendeth to proceed against you as an incorrigible person and unmeet minister of this church, unto the deprivation of your said bishoprick."—Nevertheless, upon divers good considerations, and specially in hope he might within his time be yet reconciled, it was agreed that the said bishop's house and servants should be maintained in their present estate, until the time that this Injunction should expire, and the matter for the mean time to be kept secret.

After this Sequestration, the said bishop was convented unto Lambeth before the archbishop of Canterbury, and other the king's commissioners by virtue of the king's special letters sent unto the said commissioners, to wit, the abp. of Canterbury, Nicholas bp. of London, Thomas bp. of Ely, Henry bp. of Lincoln, secretary Peter, sir James Hales knight, Dr. Leyson, Dr. Oliver, lawyers, and John Gosnold, esq. &c. before them, and by them to be examined, by whom were objected against him nineteen special Articles in order and form here following [Here follow the Articles inserted at p. 602.]

After these Articles were exhibited unto him, and he having leave to say for himself, wherein he used all the cauteles, shifts and remedies of the law to his most advantage, by way of protesting, recusing and excepting against the commission, and requiring also the copies as well of the articles, as of his protestation, of the actuaries (which were W. Say and Tho. Argall) time and respite was assigned unto him to answer to the said Articles in writing. But he so cavilled and dallied from day to day to answer directly, although he was sufficiently laboured and persuaded to the same by sundry callings and acts, and also abundantly convicted by depositions and witnesses, especially by matter induced by the lord Paget, and Andrew Beynton, and Mr. Chaleuor, that at the last he appealed from them (reputing them not to be competent and indifferent judges to hear and determine his cause) unto the king's royal person: notwithstanding by protestation always reserving to himself the benefit of

his appellation: and so proceeded he to the answering of the foresaid Articles, but in such crafty and obstinate manner as before he had been accustomed.

But briefly to conclude, such exceptions he used against the witnesses produced against him, and he himself produced such a number of witnesses in his defence, and used so many delays and cavillations, that in the end the commissioners, seeing his stubbornness, proceeded to the Sentence definitive against him, as hereunder followeth:

Sentence definitive against Stephen Gardiner Bishop of Winchester.

"In the name of God, amen. By authority of a commission by the high and mighty prince our most gracious sovereign lord Edward the 6th, by the grace of God king of England, France, and Ireland, defender of the faith, and of the Church of England, and also of Ireland, in earth the supreme head, the tenor whereof hereafter ensueth; Edward the sixth, &c. We Thomas by the sufferance of God archbishop of Canterbury, primate of all England, and Metropolitan, with the right reverend fathers in God, Nicholas bishop of London, Thomas bishop of Ely, and Henry bishop of Lincoln, sir William Peter knight, one of our said sovereign lord's two principal secretaries, sir James Hales knight, one of our said sovereign lord's justices of his common pleas, Griffith Leison and John Oliver, doctors in the civil law, Rich. Goodrick and John Gosnold, esqrs. delegates, and judges assigned and appointed, rightfully and lawfully proceeding according to the form and tenour of the said commission, for the hearing, examination, debating, and final determination of the causes and matters in the said commission mentioned and contained, and upon the contents of the same, and certain Articles objected of office against you Stephen bishop of Winchester, as more plainly and fully is mentioned and declared in the said commission and Articles, all which we repute and take here to be expressed; and after sundry judicial assemblies, examinations and debatings of the said cause and matters, with all incidents, emergents, and circumstances to the same or any of them belonging, and the same also being by us oft heard, seen, and well understood, and with good and mature examination and deliberation debated, considered, and fully weighed and pondered, observing all such order and other things as by the laws, equity, and the said commission ought, or needed herein to be observed, in the presence of you Stephen bishop of Winchester, do proceed to the giving of our final judgment and sentence definitive in this manner following.—Forasmuch as by the acts enacted, exhibits, and allegations proposed, deduced, and alledged, and by sufficient proofs with your own confession in the causes aforesaid had and made, we do evidently find and perceive that you Stephen bishop of Winchester have not only transgressed the commandments mentioned in the same, but also have of long time, notwithstanding many admonitions and commandments given unto you to the contrary, remained a person much grudging, speaking, and repugning against the godly reformations of abuses in religion, set forth by the king's highness authority within this his realm; and forasmuch as we do also find you a notable, open, and contemptuous disobeyer of sundry godly and just commandments given unto you by our said sovereign lord and by his authority, in divers great and weighty causes touching and concerning his princely office, and the state and common quietness of this realm: and forasmuch as you have and yet do contemptuously refuse to recognise your notorious negligences, and misbehaviours, contempts and disobediences, remaining still, after a great number of several admonitions, always more and more indurate, incorrigible, and without all hope of amendment, contrary, both to your oath sworn, obedience, promise, and also your bounden duty of allegiance; and for that great slander and offence of the people arise in many parts of the realm, through your wilful doings, sayings, and preachings, contrary to the common order of the realm, and for sundry other great causes by the acts, exhibits, your own confession, and proofs of this process more fully appearing; considering withal that nothing effectually hath been on your behalf alledged, proposed, and proved, nor by any other means appeareth, which doth or may impair or take away the proofs made against you, upon the said matters and other the premises:—Therefore we Thomas abp. of Canterbury, primate of all England and metropolitan judge delegate aforesaid, having God before our eyes, with express consent and assent of Nicholas bp. of London, Thomas bp. of Ely, Henry bp. of Lincoln, sir Wm. Peter knt. sir James Hales knt. Griffeth Leison and John Oliver, doctors of the civil law, Rd. Goodrick and John Gosnold, esquires, judges, and colleagues with us in the matters aforesaid, and with the counsel of divers learned men in the laws, with whom we have conferred in and upon the premises, do judge and determine you Stephen bishop of Winchester, to be deprived and removed from the bishopric of Winchester, and from all the rites, authority, emoluments, commodities, and other appurtenances to the said bishoprick in any wise belonging, whatsoever they be, and by these presents we do deprive and remove you from your said bishopric and all rites and other commodities aforesaid; and further pronounce and declare the said bishopric of Winchester, to all effects and purposes to be void by this our sentence definitive, which we give, pronounce, and declare, in these writings."

This Sentence definitive being given, the said bishop of Winchester, under his former protestations, dissented from the giving and reading thereof, and from the same, as unjust, and of no efficacy or effect in law; and in that the same containeth excessive punishment, and for other causes expressed in his appellation

aforesaid, he did then and there *apud acta*, immediately after the pronouncing of the sentence, by word of mouth appeal to the king's royal majesty first, secondly, and thirdly, instantly, more instantly, most instantly, and asked apostles, or letters dismissorials to be given and granted unto him: And also, under protestation not to recede from the former appellation, asked a copy of the said Sentence: the Judges declaring that they would first know the king's pleasure and his counsel therein. Upon the reading and giving of which Sentence, the promoters willed William Say and Thomas Argall to make a public instrument, and the witnesses then and there present to bear testimony thereunto, &c.*

* Upon the accession of queen Mary, Gardiner was restored to his Bishopric and made lord chancellor. See the Communication between him and judge Hales No. 46. He concurred in all that queen's violent measures, and stimulated her bigotry and persecution. He was a man of learning and a good Greek scholar, as appears by the correspondence on the pronunciation of that language between him and Cheke who was professor of Greek in the University of Oxford, of which Gardiner was chancellor. See also Colonel Mitford's Enquiry into the Principles of Harmony in Language, sect. 13. He died the 12th of Nov. 1555, aged 72.

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45. Proceedings against Edmund Bonner, Bishop of London, for opposing the Reformation of Religion: 1 & 3 Edward VI. A. D. 1547. 1550. [2 Fox's Acts and Monum. 658.]

King Edward the 6th, in the first year of his reign, Anno 1547, the 1st day of September, for the order of his visitation, directed out certain commissioners, as sir Anthony Cooke, sir John Godsaule, knights, Master John Godsaule, Christopher Nevinson, doctors of the law, and John Madew, doctor of divinity. Who sitting in Paul's Church upon their Commission, the day and year aforesaid, there being present at the same time Edmund bishop of London, John Royston, Polydore Virgill, Peter Van, and others of the said cathedral Church, after the sermon made and the Commission being read, ministered an oath unto the said bishop of London, to renounce and deny the bishop of Rome, with his usurped authority, and to swear obedience unto the king, according to the effect and form of the statute made in the 31st year of king Henry 8: also that he should present and redress all and singular such things as were needful within the said church to be reformed.

Whereupon the said Bishop humbly and instantly desired them that he might see their Commission, only for this purpose and intent (as he said) that he might the better fulfill and put in execution the things wherein he was charged by them or their Commission. Unto whom the Commissioners answering, said, they would deliberate more upon the matter, and so they called the other ministers of the said church before them, and ministered the like oath unto them, as they did to the bishop before. To whom moreover there and then certain Interrogatories and Articles of Inquisition were read by Peter Lilly the public notary. Which done, after their oaths taken, the said Commissioners delivered unto the Bishop aforesaid certain Injunctions, as well in print as written, and Homilies set forth by the king. All which things the said bishop received, under the words of this Protestation as followeth:

'I do receive these Injunctions and Homilies with this Protestation, that I will observe 'them, if they be not contrary and repugnant 'to God's law, and the statutes and ordinances 'of the church.' And immediately he added with an oath, 'that he never read the said Homilies and Injunctions.'

The which Protestation being made in manner and form aforesaid, the said Edmund bishop of London instantly desired and required Peter Lilly, the Register aforesaid, there and then to register and enact the same. And so the said commissioners delivering the Injunctions and Homilies to master Bellassere archdeacon of Colchester, and Gilbert Bourne archdeacon of London, Essex, and Middlesex, and enjoining them in most effectuous manner, under pains therein contained, to put the same in speedy execution, and also reserving other new Injunctions to be ministered afterward, as well to the bishop as to the archdeacons aforesaid, according as they should see cause, &c. did so continue the said visitation till three of the clock the same day in the afternoon.

At the which hour and place assigned, the Commissioners being set, and the canons and priests of the said church appearing before them and being examined upon virtue of their oath, for their doctrine and conversation of life; first one Joh. Painter, one of the canons of the said cathedral church, there and then openly confessed, that he viciously and carnally had often the company of a certain married man's wife, whose name he denied to declare. In the which crime divers other canons and priests of the foresaid church confessed in like manner, and could not deny themselves to be culpable.

And after the Commissioners aforesaid had delivered to master Roiston prebendary, and to the proctor of the dean and of the chapter of the said cathedral church of saint Paul, the king's

. njunctions and the Book of Homilies, enjoining them to see the execution thereof, under pain therein specified, they prorogued their said visitation until seven of the clock the next day following.

By this visitation, above specified, it appears, gentle reader, first how Bonner made his Protestation after the receiving of the king's Injunctions, and also how he required the same to be put in public record; furthermore, thou hast to note the unchaste life and conversation of these Popish notaries and priests of Paul's. Now what followed after this Protestation of the bishop made, remaineth further in the sequel of the story to be declared; wherein first thou shalt understand that the said Bishop shortly after his Protestation, whether for fear, or for conscience, repenting himself, went unto the king, where he submitted himself, and recanting his former Protestation, craved pardon of the king for his inordinate demeanour toward his grace's commissioners, in the former visitation.

The King's Letter to the Commissioners concerning the Recantation and pardoning of Bonner.

Which pardon notwithstanding it was granted unto him by the king, for the acknowledging of his fault, yet for the evil example of the fact it was thought good that he should be committed to the Fleet, as by the tenour of the council's letter sent the commissioners may appear, which together with the form also of the bishops Protestation and of his Recantation, here under followeth:

"To our very loving friends, sir Anthony Cook knight, and the rest of the commissioners for the visitation at London in haste. After our hearty commendations: this shall be to signify unto you, that we have received your letters, and in the same inclosed the copy of the protestation made by the bishop of London in the time of your visitation at Paul's: your wise proceedings wherein, and advertisements from you, we take in very thankful part towards us. And because the said bishop, which being here before us hath acknowledged his indiscreet demeanour, did at that time at Paul's require the Register of your visitation to make record and enter of his protestation, and now upon better consideration of his duty maketh means to have the same revoked, as shall appear unto you by the true copy of his writing enclosed, the original whereof remaining with us he hath subscribed; we pray you to cause the register to make enter of this his revocation, according to the tenour of this his said writing: further signifying unto you, that in respect of his offence, and the evil ensample that might thereupon ensue, we have thought meet to send him to the prison of the Fleet, whither he hath been conveyed by master vice-chamberlain. And whereas sundry things for the king's maj.'s service do now occur here, which require the present attendance of you sir John Godsaul, as well for your office of the signet, as of the protonotaryship, we pray you that leaving the execution of the visitation to the rest of your colleagues, you make your repair hither with convenient diligence. Thus fare you right heartily well. From Hampton Court the 12th of September, 1547. Your assured loving friends, Thomas Canterbury, Wm. Saint John, John Russel, Tho. Semer, Wm. Paget, Anthony Brown, Wm. Peter, Anthony Denny, Edward North."

Bonner's Recantation.

"Whereas I Edmund bishop of London, at such time as I received the king's majesty's injunctions and homilies of my most dread sovereign lord at the hands of his highness's visitors, did unadvisedly make such protestation, as now upon better consideration of my duty of obedience, and of the evil ensample that might ensue unto others thereof, appeareth to me neither reasonable, nor such as might well stand with the duty of an humble subject: forsomuch as the same protestation at my request was then by the register of that visitation enacted and put in record, I have thought it my duty not only to declare before your lordships that I do now upon better consideration of my duty, renounce and revoke my said protestation, but also most humbly beseech your lordships, that this my revocation of the same may be likewise put in the same records for a perpetual memory of the truth, most humbly beseeching your good lordships, both to take order that it may take effect, and also that my former and unadvised doings may be by your good mediations pardoned by the king's majesty. Edmund London."

The Registers of these affairs of Bonner's remain in the hands of Peter Lilly, then being Register to the foresaid commissioners.

The king being no less desirous to have the form of administration of the sacrament truly reduced to the right rule of the scriptures and first use of the primitive church, than he was to establish the same by the authority of his own regal laws, appointed certain of the most grave and best learned bishops, and other of his realm, to assemble together at his castle of Windsor, there to argue and intreat upon this matter, and conclude upon and set forth one and perfect uniform order according to the rule and use aforesaid.—And in the mean time while that the learned were thus occupied about their conferences, the lord protector and the rest of the king's council, further remembering that that time of the year did then approach, wherein were practised many superstitious abuses and blasphemous ceremonies against the glory of God, and truth of his word, determining the utter abolishing thereof, directed their letters unto the godly and reverend father Thomas Cranmer, then archbishop of Canterbury, and metropolitan of England, requiring him that upon the receipt thereof he should will every bishop within his province, forthwith to give in charge unto all the curates of their dioceses, that neither candles should be any more borne upon Candlemas day, neither yet ashes used in Lent, nor palms upon Palm Sunday.

Whereupon the archbishops, zealously favouring the good and Christianlike purpose of the king and his council, did immediately in that behalf write unto all the rest of the bishops of that province, and amongst them unto Edmund Bonner then bishop of London. Of whose rebellious and obstinate contumacy for that we have hereafter more to say, I thought not to stand now long thereupon, but only by the way somewhat to note his former dissimulation and cloaked hypocrisy, in that he outwardly at the first consented as well unto this, as also unto all other the king's proceedings, but whether for fear or for any other subtle fetch I know not, howbeit most like it is, rather for one of them or both, than for any true love. And therefore receiving the archbishop's Letters, as one of them seeming to allow the contents thereof, he did presently write unto the bishop of Westminster, and to others to whom he was appointed, requiring them to give such knowledge thereof in their dioceses, as thereunto appertained; as more plainly appeareth by these his own Letters here inserted which here do follow:

A Letter missive of Edmund Bonner, sent to the Bishop of Westminster, with the tenor of the Archbishop's Letter for abolishing of Candles, Ashes, Palms, and other Ceremonies.

"My very good lord, after most hearty commendations, these be to advertise your good lordship, that my lord of Canterbury's grace this present 28th day of January sent unto me his letters missive, containing this in effect, that my lord protector's grace, with the advice of other the king's majesty's most honourable council, for certain considerations them moving, are fully resolved that no candles shall be borne upon Candlemas day, nor also from henceforth ashes or palms used any longer: requiring me thereupon by his said letters, to cause admonition and knowledge thereof to be given unto your lordship and other bishops with celerity accordingly. In consideration whereof I do send at this present these letters unto your said lordship, that you thereupon may give knowledge and advertisement thereof within your diocese as appertaineth. Thus I commit your good lordship to Almighty God, as well to fare as your good heart can best desire. Written in haste at my house in London, the said 28th day of January, 1548. Your good lordship's to command, Edmund Bonner."

Now, about that present time credible and certain report was made unto the lords of the council, that great contention and strife did daily arise among the common people in divers parts of this realm, for the pulling down and taking away of such images out of the churches, as had been idolatrously abused by pilgrimages, offerings, or otherwise (according to the tenor of one of the injunctions given by the king in his late visitation) some affirming that that image was abused, others that this, and most that neither of them both; so that if speedy remedy were not had therein, it might turn to further inconvenience. Wherefore they, by one advice thinking it best (of good experience) for avoiding of all discord and tumult, that all manner of images should be clean taken out of all churches, and none suffered to remain, did thereupon again write their letters unto the archbishop of Canterbury, requiring his ready aid therein; in manner following:

Another Letter of the Council sent to the Archbishop of Canterbury, for the abolishing of Images.

"After our right hearty commendations to your good lordship, where now of late in the king's majesty's visitations, among other godly injunctions commanded to be generally observed through all parts of this his highness's realm, one was set forth for the taking down of all such images as had at any time been abused with pilgrimages, offerings, or censings, albeit that this said injunction hath in many parts of this realm been quietly obeyed and executed, yet in many other places much strife and contention hath risen and daily riseth, and more and more encreaseth about the execution of the same; some men being so superstitious, or rather wilful, as they would by their good will retain all such images still, although they have been most manifestly abused. And in some places also the images, which by the said injunctions were taken down, be now restored and set up again; and almost in every place is contention for images, whether they have been abused or not. And while these men go on both sides contentiously to obtain their minds, contending whether this or that image hath been offered unto, kissed, censed, or otherwise abused, parts have in some places been taken in such sort, as further inconveniences be like to ensue, if remedy be not found in time. Considering therefore, that almost in no place of this realm is any sure quietness, but where all images be clean taken away and pulled down already, to the intent that all contention in every part of the realm for this matter, may be clearly taken, and that the lively image of Christ should not contend for the dead images, which be things not necessary, and without the which the churches of Christ continued most godly many years; we have thought good to signify unto you, that his highness's pleasure, with the advice and consent of us the lord protector and the rest of the council, is, that immediately upon the sight hereof, with as convenient diligence as you may, you shall not only give order that all the images remaining in any church or chapel within your diocese, be removed and taken away, but also by your letters signify unto the rest of the bishops within your province, that his highness's pleasure, for the like order to be given by them and every of them within their several dioceses. And in the execution hereof, we require both you and the rest of the said bishops to use such foresight as the same may be quietly done, with as good satisfaction of the people as may be. Thus fare your good lordship

heartily well. From Somerset Place the 11th of Feb. 1548. Your lordship's assured loving friends, Edw. Somerset, Henry Arundel, Anth. Wingfield, John Russel, Tho. Semer, Wm. Paget."

When the archbishop had received these letters, he forthwith directed his precept unto Bonner bishop of London, requiring, and in the king's majesty's name commanding him, that with all speed he should as well give in charge unto the rest of the bishops within the province of Canterbury, to look immediately without delay unto the diligent and careful execution of the contents of the said letter through all places of their diocese; as also that he himself should do the like within his own city and diocese of London. Whereupon he seeming then, with like outward consent as before, to allow these doings, presently (by virtue of the said precept) did send out his *Mandatum* as well unto the rest of the bishops, as also again unto the bishop of Westminster, in form following:

The Letter of Edmund Bonner sent with the Archbishop's Mandate, to the Bishop of Westminster, for abolishing of Images.

"Edmundus permissione Divina London. Episcopus per illustrissimum in Christo principem & Dominum nostrum, Dominum Edwardum sextum, Dei gratiâ, Angliæ, Franciæ, & Hyberniæ Regem, fidei Defensorem, & in terra Ecclesiæ Anglicanæ & Hybernicæ supremum caput, sufficientèr & legitimè authorisatus, Reverendo in Christo confratri nostro Domino Thomæ eadem permissione West. Episc. salutem & fraternam in Domino charitatem. Literas reverendissimi in Christo patris & Domini D. Tho. permissione divina Cantuar. Archiepiscopi, totius Angliæ Primatis, & Metropolitani, tenorem literarum missarum clarissimorum & prudentissimorum dominorum de privatis consiliis dicti illustr. dom. Regis in se continen. nuper cum ea qua decuit reverentia humilitèr recepimus exequend. in hæc verba. Thomas permissione divina Cantuar, &c." And then making a full recital as well of the archbishop's precept, as also of the councils letters above specified, he concluded with these words; "Quocirca nos Edmund. Episcop. antedictus, literis prædictis pro nostro officio obtemperare, uti decet, summopere cupientes, vestræ fraternitati tam ex parte dicti excellentissimi Domini nostri Regis, ac præfatorum clarissimorum dominorum de privatis suis consiliis, quam prædicti Reverend. Patris Domini Cantuar. Archiepiscopi, tenore præsentium committimus & mandamus, quatenus attentis & per vos diligenter consideratis literarum hujusmodi tenoribus, eos in omnibus & per omnia, juxta vim, formam, & effectum earundem, cum omni qua poteris celeritate accommoda, per totam Dioces. vestram West. debité & effectualiter exequi faciatis & procuretis. Datum in ædibus nostris London. vicesimo die Febr. anno Dom. 1548. Et regni dicti illustrissimi domini nostris Regis, Anno secundo."

Now, by the time that these things were thus determined, the learned men which the king had appointed to assemble together for the true and right manner of administering the sacrament of the body and blood of Christ according to the rule of the scriptures of God, and first usage of the primitive Church, after their long, learned, wise, and deliberate advises, did finally conclude and agree upon one godly and uniform order of receiving the same, not much differing from the manner at this present used and authorized within this realm and Church of England, commonly called the Communion. Which agreement being by them exhibited unto the king, and of him most gladly accepted, was thereupon publicly imprinted, and by his majesty's council particularly divided and sent unto every bishop of the realm, requiring and commanding them by their letters on the king's majesty's behalf, that both they in their own persons should forthwith have diligent and careful respect to the due execution thereof, and also should with all diligence cause the books which they then sent them, to be delivered unto every parson, vicar, and curate within their diocese, that they likewise might well and sufficiently advise themselves for the better distribution of the same communion (according to the tenor of the said book) against the feast of Easter then next ensuing, as more fully appeareth by these their letters here following.

Letters missive from the Council, to the Bishops of the realm, concerning the Communion to be ministered in both kinds.

"After our most hearty commendations unto your lordship, where in the parliament late holden at Westminster, it was amongst other things most godly established, that according to the first institution and use of the primitive church, the most holy sacrament of the body and blood of our Saviour Jesus Christ should be distributed to the people under the kinds of bread and wine, according to the effect whereof the king's majesty minding, with the advice and consent of the lord protector's grace and the rest of the council, to have the said statute well executed in such sort, or like as is agreeable with the word of God (so the same may be also faithfully and reverently received of his most loving subjects, to their comforts and wealth) hath caused sundry of his majesty's most grave and well learned prelates, and other learned men in the scriptures, to assemble themselves for this matter: who, after long conference together, have with deliberate advice finally agreed upon such an order to be used in all places of the king's majesty's dominions in the distribution of the said most holy sacrament, as may appear to you by the book thereof which we send herewith unto you. Albeit, knowing your lordship's knowledge in the scriptures, and earnest good will and zeal to the setting forth of all things, according to the truth thereof, we be well assured, you will of your own good will, and upon respect to your duty, diligently set forth this most godly order here agreed upon,

and commanded to be used by the authority of the king's majesty: yet remembering the crafty practice of the devil, who ceases not by his members, to work by all ways and means, the hinderance of all godliness; and considering furthermore, that a great number of the curates of the realm, either for lack of knowledge cannot, or for want of good mind will not be so ready to set forth the same, as we would wish, and as the importance of the matter and their own bounden duties requires, we have thought good to pray and require your lordship, and nevertheless, in the king's majesty's our most dread lord's name, to command you to have an earnest diligence and careful respect both in your own person, and by all your officers and ministers also, to cause these books to be delivered to every parson, vicar, and curate within your diocese, with such diligence as they may have sufficient time well to instruct and advise themselves, for the distribution of the most holy Communion, according to the order of this book, before this Easter time, and that they may by your good means, be well directed to use such good, gentle and charitable instruction of their simple and unlearned parishioners, as may be to all their good satisfactions as much as may be, praying you to consider, that this order is set forth, to the intent there should be in all parts of the realm, and among all men one uniform manner quietly used. The execution whereof, like as it shall stand very much in the diligence of you and others of your vocation; so do we eftsoons require you to have a diligent respect thereunto, as ye tender the king's majesty's pleasure, and will answer for the contrary. And thus we bid your lordship right heartily farewell. From Westminster the 13th of March, 1548.—Your lordship's loving friends, Tho. Canterbury, R. Rich, Wm. Saint John, John Russell, Hen. Arundel, Anthony Wingfield, William Peter, Edward North, Edward Wootton."

By means as well of this Letter, and the godly order of the learned, as also of the statute and act of parliament before mentioned, made for the establishing thereof, all private blasphemous masses were now by just authority fully abolished throughout this realm of England, and the right use of the sacrament of the most precious body and blood of our Saviour Jesus Christ truly restored instead of the same. But nevertheless, as at no time any thing can be so well done of the godly, but that the wicked will find some means subtilly to deface the same: so likewise at this present, through the perverse obstinacy and dissembling frowardness of many the inferior priests and ministers of the cathedral, and other churches of this realm, there did arise a marvellous schism and variety of fashions in celebrating the common service and administration of the sacraments, and other rites and ceremonies of the church. For some, zealously allowing the king's proceedings, did gladly follow the order thereof; and others, though not so willingly admitting them, did yet dissemblingly and patchingly use some part of them; but many, carelessly contemning all, would still exercise their old wonted popery.

Whereof the king and his council having good intelligence, and fearing the great inconveniences and dangers that might happen through this division, and being there withal loth at the first to use any great severity towards his subjects, but rather desirous by some quiet and godly order to bring them to some conformity, did by their prudent advices again appoint the archbishop of Canterbury, with certain of the best learned and discreet bishops and other learned men, diligently to consider and ponder the premises: and thereupon, having as well an eye and respect unto the most sincere and pure Christian religion taught by the holy scriptures, as also to the usages of the primitive church, to draw and make one convenient and meet order, rite, and fashion of common prayer, and administration of the sacraments, to be had and used within this his realm of England, and the dominions of the same. Who after most godly and learned conferences, through the aid of the Holy Ghost, with one uniform agreement did conclude, set forth, and deliver unto the king's highness, a book in English, intitled, 'A Book of the Common Prayer and administration of the sacraments, and other rites and ceremonies of the church, after the use of the church of England.' The which his highness receiving, with great comfort and quietness of mind, did forthwith exhibit unto the lords and commons of the parliament then assembled at Westminster, about the 4th of November, in the 2nd year of his reign, and in the year of our Lord 1548, and continuing unto the 14th day of March, then next ensuing.

Whereupon, the lords spiritual and temporal, and the commons of the said parliament assembled, well and thoroughly considering, as well the most godly travel of the king's highness, of the lord protector, and other of his majesty's council, in gathering together the said archbishop, bishops, and other learned men, as the godly prayers, orders, rites, and ceremonies in the said book mentioned, with the consideration of altering those things which were altered, and retaining those things which were retained in the same book; as also the honour of God, and great quietness, which by the grace of God should ensue upon that one and uniform rite and order in such common prayer, rites, and external ceremonies to be used throughout England, Wales, Calice, and the Marches of the same, did first give unto his highness most lowly and hearty thanks for the same, and then most humbly prayed him that it might be ordained, and enacted by his majesty with the assent of the lords and commons in that parliament assembled, and by the authority of the same, that not only all and singular person and persons that had hithertofore offended concerning the premises others than such as were then remaining in ward in the Tower of London, (or in the Fleet) might be pardoned thereof, but also that all and singular ministers

in any cathedral or parish churches or other places within the realm of England, Wales, Calice, and the marches of the same, or other the king's dominions, should from and after the feast of Pentecost next coming, be bound to say and use the matins, evensong, celebration of the Lord's Supper, and administration of each of the Sacrament, &c. and all other common and open prayer, in such order and form as was mentioned in the said book, and none other or otherwise. And albeit that they were so godly and good, that they gave occasion unto every honest and conformable man most willingly to embrace them; yet lest any obstinate persons, who willingly would disturb so godly an order and quiet in this realm, should go unpunished, they further requested, that it might be ordained and enacted by the authority aforesaid, that if any manner of parson, vicar, or whatsoever other minister that ought or should say or sing, common prayer, mentioned in the said book, or minister the Sacraments, should after the said feast of Pentecost, then next coming, refuse to use the said common prayer, or to minister the Sacraments in such cathedral or parish churches, or other places, as he should use or minister the same, in such order and form as they were mentioned, and set forth in the said book; or should use wilfully, and obstinately standing in the same, any other rite, ceremony, order, form, or manner of mass, openly or privily, or matins, even-song, administration of the Sacraments, or other open prayer than was mentioned, and set forth in the said book; or should preach, declare, or speak any thing in the derogation or depraving of the said book, or any thing therein contained, or of any part thereof, and should be thereof lawfully convicted according to the laws of this realm by verdict of twelve men, or by his own confession, or by the notorious evidence of the fact, should lose and forfeit, unto the king's highness, his heirs and successors, for his first offence one whole year's profit of such one of his benefices or spiritual promotions, as it should please the king's highness to assign and appoint; and also for the same offence should suffer imprisonment by the space of six months without bail or mainprize. But if any such person, after his first conviction, should eftsoons offend again, and be thereof in form aforesaid lawfully convicted, then he should for his second offence suffer imprisonment by the space of one whole year, and should also be deprived, *ipso facto*, of all his spiritual promotions for ever, so that it should be lawful for the patrons and donors thereof to give the same again unto any other learned man, in like manner as if the said party so offending were dead. And if any the said person or persons should again the third time offend, and be thereof in form aforesaid lawfully convicted, then he should for the same third offence suffer imprisonment during his life. If any such person or persons aforesaid, so offending had not any benefice or spiritual promotion, that then he should for his first offence suffer imprisonment by the space of six months without bail or mainprize, and for his second offence imprisonment during his life. Which request, or rather actual agreement of the lords and commons of the parliament, being once understood of the king, was also soon ratified and confirmed by his regal consent and authority, and thereupon the said book of common prayer was presently imprinted, and commanded to be exercised throughout the whole realm and dominions thereof, according to the tenor and effect of the said statute.

Moreover in the same session of the said parliament it was enacted and established by the authority thereof; That for as much as great, horrible, and not to be rehearsed inconveniences had from time to time risen amongst the priests, ministers, and other officers of the clergy, through their compelled chastity, and by such laws as prohibited them the godly and lawful use of marriage, that therefore all and every law and laws positive, canons, constitutions, and ordinances theretofore made by the authority of man only, which did prohibit or forbid marriage to any ecclesiastical or spiritual person or persons, of what estate, condition or degree soever they were, or by what name or names they were called, which by God's law, may lawfully marry, in all and every article, branch and sentence concerning only the prohibition of the marriage of the persons aforesaid, should be utterly void and of none effect. And that all manner of forfeitures, pains, penalties, crimes or actions which were in the said laws contained, and of the same did follow, concerning the prohibition of the marriage of the said ecclesiastical persons, should be thenceforth also clearly and utterly void, frustrate and of none effect. By occasion whereof, it was thence after right lawful for any ecclesiastical person, not having the gift of chastity, most godly to live in the pure and holy estate of matrimony according to the laws and word of God. But if the first injunctions, statutes, and decrees of the prince were of many but slenderly regarded, with much less good affection were these (especially the book of common prayer) of divers now received; yea, and that of some of them, which had always before in outward shew willingly allowed the former doings, as appeareth most plainly (amongst others) by Bonner the bishop of London. Who although, by his former letters, and other mandates, he seemed hitherto to favour all the king's proceedings; yet did he at that present (notwithstanding both the first statute for the establishing of the communion, and the abolishing of all private masses, and also this statute of the ratifying and confirming of the book of common prayer) still suffer sundry idolatrous private masses of peculiar names, as the apostles mass, the lady's mass, and such like) to be daily solemnly sung within certain peculiar chapels of the cathedral church of Paul's, cloaking them with the names of the apostles communion, and our lady's communion, not once finding any fault therewith, until

such time as the lords of the council, having intelligence thereof, were fain by their letters to command and charge him to look better thereunto. And then being therewith somewhat pricked forwards (perhaps by fear) he was content to direct his letters unto the dean and chapter of his cathedral church of Paul's, thereby requesting them forthwith to take such order therein, as in the tenor of the council's said letters, therewithal sent unto them, did import. Both which letters I have, for the more credit, here following inserted.

A Letter directed from the King's Council to Edmund Bonner Bishop of London, for abrogating of private Masses, namely, the Apostles Mass, within the Church of St. Paul, used under the name of the Apostles Communion.

"After hearty commendations: having very credible notice that within that your cathedral church there be as yet the apostles mass, and our lady's mass, and other masses of such peculiar names, under the defence and comination of our lady's communion, and the apostles communion, used in private chapels and other remote places of the same, and not in the chancel, contrary unto the king's majesty's proceedings, the same being for the misuse displeasing to God; for the place Paul's, in example not tolerable; for the foudness of the name, a scorn to the reverence of the communion of the Lord's body and blood: we for the augmentation of God's honour and glory, and the consonance of his majesty's laws, and the avoiding of murmur, have thought good to will and command you, that from henceforth no such masses in this manner be in your church any longer used, but that the holy blessed communion, according to the act of parliament, be ministered at the high altar of the church, and in no other places of the same, and only at such time as your high masses were wont to be used, except some number of people desire for their necessary business to have a communion in the morning, and yet the same to be executed in the chancel at the high altar, as it is appointed in the book of the public service, without cautele or disgresion from the common order. And herein you shall not only satisfy our expectation of your conformity in all lawful things, but also avoid the murmur of sundry that be therewith justly offended. And so we bid your lordship heartily farewell. From Richmond, the 24th of June, Ann. 1549. Your loving friends, Edward Somerset, Wm. Saint John, Edmund Montague, R. Rich, chancellor. Francis Shrewsbury, Wm. Cecil."

Bonner's Letter to the Dean and Chapter of Paul's.

"To my right worshipful friends, and most loving good brethren, master Dean of Paul's, with all the Canons, Residentaries, Prebendaries, Subdeans and Ministers of the same, and every of them with speed:

"Right worshipful, with most hearty commendations. So it is, this Wednesday the 26th of June, going to dinner, I received letters from the king's council by a pursuivant, and the same I do send now herewith unto you, to the intent you may peruse them well, and proceed accordingly; praying you in case all be not present, yet those that be now resident and supplying the places, may in their absence call the company together of the church, and make declaration hereof unto them: thus committing you to God, right well to fare. Written with speed this 26th of June, at one of the clock. Your loving brother, Ed. London."

Over and besides all this, the Lord Protector, with the residue of the king's privy and learned council assembling together in the Star-Chamber about the same matter, that is, for the advancement and setting forward of the king's so godly proceedings, called before them all the justices of peace, where was uttered unto them by the lord Rich, then lord chancellor, an eloquent and learned admonition, the tenor whereof ensueth:

"It hath been used and accustomed before this time, to call at certain times the justices of peace before the king's majesty's council, to give unto them admonition or warning, diligently, as is their duty, to look to the observing of such things as be committed to their charges, according to the trust which the king's majesty hath in them. Howbeit, now at this time we call you before us, not only of custom, but rather of necessity. For hearing daily, and perceiving of necessity, as we do, the great negligence, and the little heed which is taken and given to the observing of the good and wholesome laws and orders in this realm, whereupon much disorder doth daily ensue, and the king's majesty's proclamations and orders taken by the council, as we are advertised, not executed, the people are brought to disobedience, and in a manner all his majesty's study and ours, in setting a good and most godly stay, to the honour of God and the quiet of the realm, is spent in vain, and come to nothing: the which as we have great hope and trust not to be altogether so, yet so much as it is, and so much as it lacketh of the keeping the realm in a most godly order and stay, we must needs impute and lay the fault thereof in you which are the justices of peace in every shire, to whom we are wont to direct our writings, and to whose trust and charge the king's majesty hath committed the execution of all his proclamations, of his acts of parliament, and of his laws.—We are informed that many of you are so negligent and so slack herein, that it doth appear you do look rather, as it were, through your fingers, than diligently see to the execution of the said laws and proclamations. For if you would, according to your duties, to your oath, to the trust which the king's majesty hath in you, give your diligence and care toward the execution of the same most godly statutes and injunctions, there should no disobedience, nor disorder, nor evil rule be begun or rise in any part of the realm, but it should by and by be repressed, kept

down and reformed. But it is feared, and the thing itself giveth occasion thereto, that divers of you do not only not set forth, but rather hinder, so much as lieth in you, the king's majesty's proceedings, and are content that there should arise some disobedience, and that men should repine against godly orders set forth by his majesty, you do so slackly look to the execution of the same, so that in some shires, which be further off, it may appear that the people have never heard of divers of his majesty's proclamations, or if they have heard, you are content to wink at it, and to neglect it, so that it is all one as though it were never commanded. But if you do consider and remember your duties first to Almighty God, and then to the king's majesty, the wealth of the whole realm, and the safeguard of your ownselves; you must needs see, that except such orders as the king's majesty hath set and hereafter shall appoint, be kept, neither can the realm be defended, if the enemy should invade, nor can it in peace stand, but upon the contempt of good and wholesome laws all disorder and inconveniences will come, the people will be wild and savage, and no man sure of his own.—If at any time there was occasion and cause to be circumspect and diligent about the same, there was never more time than now. How we stand in Scotland you know, and that there foreign power maketh great preparation to aid them, and indeed doth come to their aid; whereof we are surely informed and certified. Wherefore if there should not be good order and obedience kept in the realm, the realm were like utterly to be destroyed. Never foreign power could yet hurt, or in any part prevail in this realm, but by disobedience and misorder within ourselves. That is the way wherewith God will plague us, if he mind to punish us. And so long as we do agree among ourselves, and be obedient to our prince, and to his godly orders and laws, we may be sure that God is with us, and that foreign powers shall not prevail against us, nor hurt us.—Wherefore once again, and still we must and do lay this charge upon you that are the better of the shire, and justices of peace, that with so convenient speed as you can, you do repair down [illegible] your countries, and you shall give warning to [illegible] gentlemen of the shire, which have not necessary business here, that they repair down each man to his country, and there both you and they, who be reckoned the stay of every shire, to see good order and rule kept: You, that your sessions of gaol delivery and quarter sessions be well kept, and therein your meetings be such, that justice may be well and truly ministered, the offenders and malefactors punished according to the laws of this realm without any fear of any man, or that for favour you should suffer those to escape, which with their evil example might bring other to the like mishap, and that all vagabonds and lewd and light tale-tellers, and seditious bearers of false news of the king's majesty or of his council, or such as will preach without licence, be immediately by you represt and punished.—And if there should chance any lewd or light fellows to make any routs or riots, or unlawful assemblies, any seditious meetings, uproars, or uprisings in any place by the seditious and devilish motion of some privy traitors, that you and they appease them at the first, and apprehend the first author and causer thereof, and certify us with speed. The lightness of the rude and ignorant people must be represt and ordered by your gravity and wisdom. And here you may not, if any such thing chance, dissemble with those such lewd men, and hide yourselves, for it shall be required of you if such misorder be; and surely without your aid and help, or your dissembling, such misorder cannot be. Nor do we say that we fear any such thing, or that there is any such thing likely to chance; but we give you warning before, lest it should chance.—We have too much experience in this realm, what inconvenience cometh of such matters. And though some light persons in their rage do not consider, yet we do not doubt but you weigh it and know it well enough. And if it should chance our enemies, who are maintained by other foreign power, and the bishop of Rome, should suddenly arrive in some place in England, either driven by tempest, or of purpose to do hurt, ye should see such order kept by firing of the beacons, as hath already been written unto you by our letters, to repulse the same in so good array as you can, as we do not doubt but you will for the safeguard of your country, so that the enemy shall have little joy of his coming: and for that purpose you shall see diligently that men have horse, harness, and other furniture of weapon ready, according to the statutes and good orders of the realm, and the king's majesty's commandments. And so for this time ye may depart."

What zealous care was in this young king, and in the Lord Protector his uncle, concerning Reformation of Christ's Church, and sincere religion, by these Injunctions, Letters, Precepts, and Exhortations, as well to the bishops, as to the justices of the realm above premised, it may right well appear. Whereby we have to note, not so much the careful diligence of the king and his learned council; as the lingering slackness and drawing back, on the other side, of divers the said justices, and lawyers, but especially of bishops and old popish curates, by whose cloaked contempt, wilful winking, and stubborn disobedience, the book of the common prayer was, long after the publishing thereof, either not known at all, or else very irreverently used through many places of the realm. Which when the king by complaint of divers perfectly understood, [illegible] not a little aggrieved to see the godly [illegible] ment of the learned, the willing consent [illegible] parliament, and his grace's own zeal [illegible] to take so small effect among his subjects [illegible] decreed presently, with the advice of his council, again to write unto all the bishops of his realm, for speedy and diligent [illegible]

therein; willing and commanding them thereby, that as well they themselves should thenceforth have a more special regard to the due execution of the premises, as also that all others, within their several precincts and jurisdictions, should by their good instructions and willing example be the more oftener, and with better devotion, moved to use and frequent the same. As further appeareth by the contents of this Letter here ensuing:

Another Letter directed by the King and his Council, to Bonner, Bishop of London, partly rebuking him of Negligence, partly charging him to see to the better setting out of the Service Book within his Diocese.

"Right reverend father in God, right trusty and well-beloved, we greet you well: and whereas after great and serious debating and long conference of the bishops and other grave and well-learned men in the holy scriptures, one uniform order for common prayers and administration of the sacraments hath been, and is most godly set forth, not only by the common agreement and full assent of the nobility and commons of the late session of our late parliament, but also by the like assent of the bishops in the same parliament, and of all other the learned men of this our realm in their synods and convocations provincial: like as it was much to our comfort, to understand the godly travel then diligently and willingly taken for the true opening of things mentioned in the said book, whereby the true service and honour of Almighty God, and the right ministration of the sacraments being well and sincerely set forth, according to the scriptures and use of the primitive church, much idolatry, vain superstition, and great and slanderous abuses be taken away: so it is no small occasion of sorrow unto us, to understand by the complaints of many, that our said book so much travelled for, and also sincerely set forth, as is aforesaid, remaineth in many places of this our realm, either not known at all, or not used, or at the least if it be used, very seldom, and that in such light and irreverent sort, as the people in many places either have heard nothing, or if they hear, they neither understand, nor have that spiritual delectation in the same, that to good Christians appertaineth. The fault whereof, like as we must of reason impute to you and others of your vocation, called by God, through our appointment, to due respect to this and such like matters; so considering that, by these and such like occasions, our loving subjects remain yet still in their blindness, and superstitious errors, and in some places in as irreligious forgetfulness of God, whereby his wrath may be provoked upon us and them; and remembering withal, that amongst other cures committed to our princely charge, we think this the greatest, to see the glory and true service of him maintained and extolled, by whose clemency we knowledge ourselves to have all that we have, we could not but by advice and consent of our dearest uncle, Edward duke of Somerset, governor of our person, and protector of our realm, dominions and subjects, and the rest of our privy council, admonish you of the premises. Wherein, as it had been your office to have used an earnest diligence, and to have preferred the same in all places within your diocese, as the case required; so have we thought good to pray and require you, and nevertheless straitly to charge and command you, that from henceforth ye have an earnest and special regard to the reduce of these things, so as the curates may do their duties more often and in more reverent sort, and the people be occasioned by the good advices and examples of yourself, your chancellor, archdeacons, and other inferior ministers, to come with oftener and more devotion to their said common prayers, to give thanks to God, and to be partakers of the most holy communion. Wherein shewing yourself diligent, and giving good example in your own person, you shall both discharge your duty to the great Pastor, to whom we all have to account, and also do us good service: and on the other side, if we shall hereafter, these our letters and commandment notwithstanding, hear eftsoons complaint, and find the like fault in your diocese, we shall have just cause to impute the fault thereof, and of all that ensueth thereof, unto you, and consequently be occasioned thereby to see otherwise to the redress of these things; whereof we would be sorry. And therefore we do eftsoons charge and command you, upon your allegiance, to look well upon your duty herein, as ye tender our pleasure. Given under our signet at our manor of Richmond, the 23d of July, the third year of our reign, 1549."

The bishop of London, amongst the rest of the bishops, receiving these Letters, did, as always before, in outward shew willingly accept the same; and therefore immediately with the said letters directed this his precept unto the dean and chapter of his cathedral church of Paul's, commanding them to look to the due accomplishing thereof accordingly.

A Letter of Bonner, to the Dean and Chapter of Pauls.

"Edmund by the grace of God, &c. To my well-beloved brethren the dean and chapter of the cathedral church of Saint Paul in London, and to the other ministers there and every of them do send greeting. And where it is so, that of late I have received the said sovereign lord the king's majesty's letters, of such tenor as is hereunto annexed, and according to my most bounden duty am right well willing, and desiring that the said letters should be in all points duely executed and observed according to the tenor and purport of the same, as appertaineth: these therefore are to require, and also straitly to charge you and every of you on his majesty's behalf, &c. that you do admonish and command or cause to be admonished or commanded, all and singular parsons, vicars, and curates of your jurisdiction, to observe and accomplish the same from time to

time accordingly; furthermore requiring and likewise charging you, and every of you to make certificate herein to me, my chancellor or other my officers in this behalf, with such convenient celerity as appertaineth, both of your proceedings in the execution hereof, and also the persons and names of all such, as from henceforth shall be found negligent in doing their duties in the premises or any of them. Given at my house at Fulham, the 26th of July, 1549."

Moreover, forasmuch as the king at that instant hearing the muttering of certain rebellion then stirring, (whereof more shall be said, the Lord willing, hereafter) and also being credibly informed by divers, that through the evil example, slackness of preaching and administering the sacraments, and careless contempt of Bonner bishop of London, not only many of the people within the city of London, and other places of his diocese, were very negligent and forgetful of their duties to God, in frequenting the divine service then established and set forth by the authority of parliament, but also that divers other, utterly despising the same, did in secret places of his diocese often frequent the popish mass and other foreign rites not allowed by the laws of this realm, he thought it therefore good (having thereby just cause to suspect his former dissembling doubleness) to appoint the lord protector and the rest of his privy council to call the said bishop before them, and according to their wise and discreet judgments to deal with him for the same.

Bonner called before the Council.

Whereupon the 11th day of August, 1549, they sent a messenger for him, and upon his appearance made first declaration of such informations and complaints as had been heretofore made against him. And then, after sharp admonitions and reproofs for his evil demeanours in the premises, they delivered unto him from the king (for his better reformation and amendment) certain private injunctions to be necessarily followed and observed of himself. And whereas, in the first branch of the said injunctions, he was personally assigned to preach at Paul's Cross the Sunday three weeks then next ensuing (because both the dangerous and sickly estate of the time, and also partly his own suspicious behaviour so required) they further delivered unto him in writing such articles to intreat upon in his sermon, as they thought then most meet and necessary for the time and causes aforesaid. All which injunctions and articles, for the further manifestation thereof, I have here inserted as followeth.

Certain private Injunctions and Articles given to Bonner by the Council.

"Forasmuch as we are advertised, that amongst other disorders of our subjects at this present there be divers of our city of London, and other places within your diocese, which being very negligent and forgetful of their duty to Almighty God, of whom all good things are to be looked for, do assemble themselves very seldom, and fewer times than they were heretofore accustomed, unto common prayer and to the holy communion, being now a time when it were more needful with heart and mind to pray to our heavenly Father for his aid and succour; whereof as we be right sorry, so we do understand that through your evil example, and the slackness of your preaching and instructing of our said people to do their duties, this offence to God is most generally committed. For where heretofore upon all principal feasts, and such as were called *majus duplex*, you yourself were wont to execute in person, now since the time that we by the advice of our whole parliament have set a most godly and devout order in our Church of England and Ireland, ye have very seldom or never executed upon such or other days, to the contempt of our proceedings and evil example of others. And for so much as it is also brought to our knowledge, that divers as well in London, as in other places of your diocese, do frequent and haunt foreign rites of masses, and such as be not allowed by the orders of our realm, and do contemn and forbear to praise and laud God, and pray unto his majesty after such rites and ceremonies, as in this realm are approved and set out by our authority; and further that adultery and fornication is maintained and kept openly and commonly in the said city of London and other places of your diocese, whereby the wrath of God is provoked against our people; of the which things you being heretofore admonished, yet hitherto have made no redress, as to the pastoral office, authority and cure of a bishop doth appertain: we therefore, to whom the supreme cure and charge of this church doth appertain, to avoid from us the high indignation of Almighty God, by the advice of our most entirely beloved uncle the lord protector and the rest of our privy council, have thought it no less than our most bounden duty, now at this present, and eftsoons peremptorily to admonish, charge, and warn you, that you do most straightly look upon the premises, and see them so reformed that there may appear no negligence on your behalf, upon such pain as by our laws ecclesiastical and temporal we may inflict upon you, unto deprivation or otherwise, as shall seem to us for quality of the offence reasonable. And to the intent you should the better see to the reformation of the said abuses, we have thought good to give you these injunctions following: 1. Ye shall preach at Paul's Cross in London, in proper person, the Sunday after the date hereof three weeks, and in the same sermon declare and set forth the articles hereunto annexed: and ye shall preach hereafter once every quarter of the year there, exhorting in your sermon the people to obedience, prayer, and godly living; and ye shall be present at every sermon hereafter made at Paul's Cross, if sickness or some other reasonable cause do not let you. 2. You yourself in person shall

from henceforth every day which heretofore was accounted in this Church of England a principal feast, or *majus duplex*, and at all such times as the bishops of London your predecessors were wont to celebrate and sing high mass, now celebrate and execute the communion at the high altar in Paul's, for the better example of all other, except sickness do let. 3. Ye shall yourself, according to your duty and the office of a bishop, call before you all such as do not come unto and frequent the common prayer and service in the church, or do not come unto God's board, and receive the communion at the least once a year, or whosoever do frequent or go unto any other rite or service than is appointed by our book, either of matins, evensong or mass in any church, chapel, or other private places within your diocese, and ye shall see all such offenders convented before you and punished, according unto the ecclesiastical laws, with severe and straight punishment therefore. Likewise ye shall see one only order used in your diocese according to our said book and none other. 4. Ye shall both by yourself, and all your officers under you, search out and convent before you more diligently than heretofore ye have done, (as appertaineth to your office, all adulterers, and see the same punished according to the ecclesiastical laws, and the authority given you in that behalf. 5. We have heard also complaints, that the Church of Paul's and other churches of London are of late more neglected, as well in reparation of the glass, as other buildings and ornaments of the same, than they were heretofore wont, and that divers and many persons in the City of malice deny the payment of their due tithe to their curates, whereby the curates are both injured and made not so well able, and in manner discouraged to do their duties. The which thing also our will and commandment is, ye shall diligently look unto, and see redressed as appertaineth. 6. And for so much as all these complaints be made, as most done and committed in London, to the intent you may look more earnestly, better, and more diligently to the reformation of them, our pleasure is that you shall abide and keep residence in your house there, as in the city, see, and principal place of your diocese, and none otherwhere for a certain time, until you shall be otherwise licensed by us."

Special Points and Articles to be entreated of by Bonner Bishop of London, in his Sermon.

1. "That all such as rebel against their prince get unto them damnation, and those that resist the higher power, resist the ordinances of God, and he that dieth therefore in rebellion, by the word of God is utterly damned, and so loseth both body and soul. And therefore those rebels in Devonshire and Cornwall, in Norfolk, or elsewhere, who take upon them to assemble a power and force against their king and prince, against the laws and statutes of the realm, and go about to subvert the state and order of the commonwealth, not only do deserve therefore death as traitors and . . . ut do accumulate to themselves eterna amnation, even to be in the burning fire hell, with Lucifer, the father, and first auth.r of pride, disobedience, and rebellion, wha pretences soever they have, and what masses r holy water soever they pretend, or go a. ut to make among themselves, as Korah, I. than, and Abiram, for . llion against Mose were swallowed down e into hell, althou. hey pretended to sacrifice unto God. 2 kewise in the order of the church, and external rites and ceremonies of divine service, forsomuch as God requireth humility of heart, innocency of living, knowledge of him, charity and love towards our neighbours, and obedience to his word, and to his ministers and superior powers, these we must bring to all our prayers, to all our service, and this is that sacrifice which Christ requireth, and these be those that make all things pleasant unto God. The external rites and ceremonies be but exercises of our religion, and appointable by superior powers; in chusing whereof we must obey the magistrates: The which things also we do see ever have been and shall be (as the time and place is) divers, and yet all hath pleased God, so long as these before spoken inward things be there. If any man shall use the old rites, and thereby disobey the superior power, the devotion of his ceremonies is made naught by his disobedience: so that which else (so long as the law did so stand) might be good, by pride and disobedience now is made naught: as Saul's sacrifice, Korah, Dathan, and Abiram, and Aaron's two children were. But whoso joineth to devotion obedience, he winneth the garland. For else it is a zeal *sed non secundum scientiam;* a will, desire, zeal and devotion, but not after wisdom; that is, a foolish devotion, which can require no thanks or praise. And yet again, where ye obey, ye must have devotion, for God requireth the heart more than the outward doings, and therefore he that taketh the communion, or saith or heareth the service appointed by the king's majesty, must bring devotion and inward prayers with him, or else his prayers are but vain, lacking that which God requireth, that is, the heart and mind to pray to him. 3. Further, ye shall for example on Sunday come seventh night after the foresaid date celebrate the communion at Paul's Church. 4. Ye shall also set forth in your sermon, that our authority of royal power is (as of truth it is) of no less authority and force in this our young age, than is or was of any our predecessors, though the same were much elder, as may appear by example of Josias and other young kings in scripture; and therefore all our subjects to be no less bound to the obedience of our precepts, laws, and statutes, than if we were of 30 or 40 years of age."

The delivery of these Injunctions and Articles unto the Bishop (with the time of his appointed preaching) was soon after known abroad among the citizens and other the commons within the city of London, so that every man expected the time thereof, wishing to hear the

same. Which time being once come, the Bishop, according to the tenor of the Injunctions, publicly preached at the cross of Paul's the first day of September. Howbeit as hypocrisy never lurketh so secretly in the hearts of the wicked, but that at one time or other God in his most righteous judgement maketh it open unto the world: so at this present was that long coloured perverse obstinacy, and the inwardly covered hatred of this double-faced dissembler against the king's godly proceedings, most plainly manifested by his disobedient demeanor in this his sermon.—For whereas he was commanded to entreat only upon such special points as were mentioned in his articles; he yet, both besides the council's commandment, to the withdrawing of the minds of the common people, inasmuch as in him lay, from the right and true understanding of the holy sacrament ministered in the holy communion then set forth by the authority of the king's majesty (according to the true sense of the holy scripture) did spend most part of his sermon about the gross, carnal, and papistical presence of Christ's body and blood in the sacrament of the altar, and also contrary thereunto did not only slenderly touch the rest of his articles, but of a rebellious and wilful carelessness did utterly leave out unspoken the whole last article, concerning the as effectual and as lawful authority of the king's highness during his young age, as if he were thirty or forty years old; notwithstanding the same (because it was the traitorous opinion of the popish rebels) was by special commandment chiefly appointed him to entreat upon.

This contemptuous and disobedient dealing as it greatly offended most of the king's faithful and loving subjects there present, so did it much mislike the minds, and was far from the good expectation, as well of that faithful and godly preacher master John Hooper, afterwards bishop of Worcester and Gloucester, and lastly a most constant martyr for the gospel of Christ, and also of master Wm. Latimer, bachelor of divinity: and therefore they well weighing the foulness of the fact, and their bounden allegiances unto their prince, did thereupon exhibit unto the king's highness, under both their names, a bill of complaint or denunciation against the said Bishop in form following:

The Denunciation of John Hooper and William Latimer against Bonner to the king's Majesty, for leaving undone the Points aforementioned, which he was charged to preach upon.

"In most humble wise sheweth unto your majesty William Latimer and John Hooper, that where of late, as we be certainly informed from your majesty, by the hand of the right high and noble prince Edward, duke of Somerset, governor of your royal person, and protector of all your highness's realms, dominions and subjects, and the rest of your privy council, there were certain Injunctions given to the Bishop of London that now is, with Articles to be insinuated and preached unto your subjects at a certain day limited, the which Injunctions and Articles did only tend to the honour of God, and the better instructions of your highness's people to obedience and hatred of rebellion and mutiny, wherewith of late this your majesty's realm hath been marvellously vexed, to the danger of your highness's person, and the state of the whole realm, and therefore a thing at this time most necessary to be taught unto the people, that they might know their duty unto your majesty, and unto Almighty God, and especially to acknowledge your majesty in these years and age to be a perfect high and sovereign lord, and king, and supreme head, whose laws, proclamations, and commandments we are bound to obey, as well as any prince's subjects are bound to obey the laws, proclamations, and commandments of their natural and sovereign lord, notwithstanding that nature hath not yet given unto your person such age as I trust she shall, nor so many years, which we wish to be so many as any prince ever had, the which years do not make you king or prince, but the right of your birth, and lawful succession whatsoever it be, so that we all must as well acknowledge your majesty to be our king and prince, at these years, as if you were at the age of 32 or 40 years, and your laws and statutes no less to be feared and obeyed, than if your highness were fifty or an hundred years old, (the which thing not only is most certainly true, but also at this time most necessarily to be taught, especially when divers rebels have openly declared, that they would not obey your highness's laws, nor acknowledge the statutes made by your majesty to be available till you come to the age of twenty years) and this not only being so, but the same thing being commanded by your said majesty, amongst other Injunctions and Articles given in writing to the said Edmund Bonner, to be preached in his last sermon, as by the same Injunctions may appear, of the which the true copy we have when need is to be shewed: yet all this notwithstanding, the said Bonner, of what zeal or mind we cannot tell, whether favouring the opinion of the said rebels, or contemning your highness's commandment declared unto him, hath not only left out to declare the said Article, which we most and chiefly expected and looked for, but also in all the rest of his sermon did not so fully and apertly declare the said Injunctions and Articles, as to our judgement did appear they ought to have been declared, and was of no light ground looked for, entreating of other far distant and divers from the Articles upon the which he was commanded to entreat; and such as most should move and stir up the people to disorder and dissension, willingly leaving out those things which should have made quiet and obedience. Wherefore not moved of any malice, grudge, envy, or evil will to the person of the Bishop, but constrained by the love and zeal which we bear towards your highness, and of our duty and allegiance to your majesty, whose honour and safety with tranquillity, quietness, and good governance of this your realm, we do most desire, and for the discharge of our most bounden

duties, to avoid all the dangers that might ensue of the concealment thereof, we most humbly do denounce and declare the same to your highness, to the intent that your majesty, by the advice aforesaid, may, if it please your highness, at this our humble denunciation, call the said Bishop to answer to the premises, the which we are ready to avow and prove, and then your highness may take further order herein, as to your princely wisdom shall seem most convenient; whose long life and most prosperous government God Almighty long continue, for the which we shall pray during our lives."

The king's majesty having thus, by the information of these two credible persons, perfect intelligence of the contemptuous and perverse negligence of this Bishop, in not accomplishing his highness's commandment given him by injunction, thought it most necessary with all convenient speed (for the avoiding of further inconveniences) to look more severely unto the due punishment of such dangerous rebellious obstinacy; and therefore by the advice of the lord protector, and the rest of his honourable council, immediately he directed forth his commission under his broad seal unto the archbishop of Canterbury, the bishop of Rochester, and to other grave and trusty personages and counsellors, appointing and authorizing all them, or certain of them, by virtue of the same, to call before them, as well the bishop of London, as also the foresaid denouncers, and upon due examination and proof of the premises, or any other matter otherwise to be objected, further to proceed against him summarily, *& de plano*, according to law and justice, either to suspension, excommunication, committing to prison, or deprivation (if the quality of the offence so required) or otherwise to use any other censure, ecclesiastical, which, for the better hearing and determining of that cause, might to their wisdoms seem more pertinent, as appeareth more amply by the tenour of the Commission here ensuing:

The Copy of the King's Commission sent down upon the Denunciation aforesaid, for the Examination of Bonner, Bishop of London.

"Edward the 6th, &c. To the most reverend father in God, Thomas abp. of Canterbury, metropolitan and primate of England, the right rev. father in God, Nicholas bp. of Rochester, our trusty and right well-beloved counsellors, sir Wm. Peter and sir Tho. Smith, knights, our two principal secretaries, and Wm. May, doctor of the law civil, and dean of Paul's, greeting. It is come to our knowledge, that where we by the advice of our most entirely beloved uncle Edward Duke of Somerset, governor of our person, and Protector of all our realms, dominions, and subjects, and the rest of our privy council, did give to the right reverend father in God Edmund bp. of London, upon certain complaints before made unto us, and other great considerations, certain Injunctions to be followed, done, and executed, and in a sermon appointed to him to preach by us with certain articles, and for the more sure knowledge, keeping, and observing, did exhibit the same in writing unto him by the hands of our said uncle, in the fulfilling of our counsel: all this notwithstanding, the said bishop hath in contempt of us (as it may appear) overslipped and not observed certain of the said things so by us enjoined, and other so perversely and negligently done, that the things minded of us to reformation, and for a good quiet of our subjects and our whole realm, be converted by the wilful negligence or perversity of him to a great occasion of slander, tumult, and grudge amongst our people, as it hath been denounced to us in writing by certain honest and discreet persons, and otherwise called. The which things if they be so, we tendering the health, quietness, good order, and government of our people, have not thought convenient to be let past unpunished and unreformed; and therefore by the advice aforesaid, have appointed you 5, 4, or 3, upon whose fidelities, wisdoms, dexterities, and circumspections we have full confidence, to call before you as well the denouncers, of the said faults, as also the said bishop, and with due examinations and process, according to the ... and justice to hear the said matter, and all other matters, of what kind, nature, or condition ever they shall be objected against the said bishop, summarily *(et de plano)* or otherwise as to your discretions shall be thought most meet, with full power and authority to suspend, excommunicate, commit to prison, or deprive the said bishop, if the offence shall so appear to merit, or to use any other censure ecclesiastical, which for the better hearing and determining of the cause shall be requisite and appertain, any law, statute, or act to the contrary notwithstanding. In witness whereof we have caused these our letters to be made patents.—Witness ourself at Westminster the 8th of September, in the 3rd year of our reign."

This Commission being sealed with the king's broad seal, was by his highness's council forthwith delivered at the court unto Tho. Cranmer abp. of Canterbury and the rest of the commissioners mentioned in the same, being there altogether present. Who upon the receipt thereof, determined by virtue of the same to sit at the archbishop's house at Lambeth the Wednesday then next ensuing, which was the tenth day of that present month of September, and therefore appointed the bishop of London to be summoned to appear before them, as at that time and place. The manner of whose behaviour at his appearance, because it both declareth the froward nature and stubborn condition of the person, and also what estimation and authority he thought the commissioners to be of, I thought it not unmeet first, before I enter into the process, somewhat to note and describe unto you.

The stubborn Behaviour of Bonner before the Commissioners.

At his first entry into the place within the archbishop's house at Lambeth, where the arch-

bishop and other of the commissioners sate, he passed forth directly by them with his cap upon his head (making as though he saw them not) until one plucked him by the sleeve, wilking him to do reverence unto the commissioners. Whereat he laughingly turned himself, and spake unto the archbishop on this wise; What, my lord, are you here? by my troth I saw you not. No, said the archbishop, you would not see. Well (quoth he) you sent for me, have you any thing to say to me? Yea, said the commissioners, we have here authority from the king's highness to call you to account for your sermon you made lately at Paul's Cross, for that you did not there publish to the people the article which you were commanded then to preach upon. At which words the bishop, either for that he did not greatly delight to hear of this matter, or else because he would make his friends believe that he was called to account only for his opinion in religion (as afterward in the sequel of this process it more plainly appeareth) began to turn his talk unto other matters, and said unto the archbishop; In good faith my lord I would one thing were better in more reverence than it is. What is it, said the archbishop? The blessed mass, quoth he. You have written very well of the sacrament: I marvell you do no more honour it. The archbishop of Canterbury therewith perceiving his subtilty, and seeing his gross blindness, to commend that which was utterly contrary to his opinion, said unto him again: If you think it well, it is because you understand it not. The other then adding unto his former gross ignorance an obstinate impudency, answered; I think I understand it better than you that wrote it. Unto which words the archbishop replied, Truly I will easily make a child that is but ten years old understand therein as much as you. But what is this to the matter?

Moreover, at what time as they began to enter the judicial prosecuting of their commission, and had called forth the denouncers to propound such matter as they had to object against him, he hearing them speak, fell to scorning and taunting of them, saying to the one, that he spake like a goose; and to the other, that he spake like a woodcock, utterly denying their accusations to be true. Whereupon the archbishop, seeing his peevish malice against the denouncers, asked him, if he would not believe them, whether he would credit the people there present; and therewithal (because many of them were also at the bishop's sermon at Paul's) he stood up and read the article of the king's authority during his young age; saying unto them, how say you my masters, did my lord of London preach this article? Whereunto they answered, no, no. At which words the bishop turning himself about, deriding said, will you believe this fond people?

Besides this, at all his appearings he used many irreverent, uncomely, obstinate, and froward words and behaviours towards the commissioners and others (in defacing their authority with the terms of pretended commissioners, pretended witnesses, and unjust, unlawful, and pretended proceedings, with recusation of some, and terming others daws, woodcocks, fools, and such like) which I will here omit, for they do more manifestly appear in the sequel of the story in the time and place as they happened; adding yet this much by the way, that although such stoutness of heart and will, if it had been in a cause true and rightful, might have perchance seemed in some men's judgment to be somewhat sufferable; yet to say the truth, in what case soever it be, being immoderate, as this shall appear, it beseemed no wise man, and therefore much less one of his calling. For if his cause had been good, why did he not take the wrong patiently and meekly, as the true canon law of the gospel doth teach him? If it were (as it was indeed) naught and wrong, whereto served so bold sturdy stoutness, but to shew the impudency of the person, and to make the case worse which was bad enough before? But belike he was disposed to declare, if need were, what he was able to do in the law, in shifting off the matter by subtil dilatories, and frivolous cavilling about the law. And if that would not help, yet with facing and brasing, and railing upon the denouncers with furious words, and irreverent behaviour toward the king's commissioners, he thought to countenance out the matter before the people, that something might seem yet to be in him, whatsoever was in the cause. For, to conclude, for all his crafty cautelles and tergiversations alledged out of the law, yet neither his cause could be so defended, nor his behaviour so excused, but that he was therefore both justly imprisoned, and also in the end most lawfully deprived; as by the sequel of this process may well appear, the manner whereof is as followeth.

The first Action or Session against Bonner.

Upon Wednesday the 10th day of September, in the year of our Lord 1549, and in the third year of the reign of king Edward 6th, Thomas Cranmer abp. of Canterbury, metropolitan and primate of all England, associate with Nicholas Ridley then bishop of Rochester, sir Wm. Peter knight, one of the king's two principal secretaries, and master Wm. May, Dr. of the civil law and dean of Paul's, by virtue of the king's commission, sate judicially, upon the examination of Edmund Bonner bishop of London, within the archbishop's chamber of presence, at his house in Lambeth, before whom there then also personally appeared the said bishop. At which time the commissioners, first shewing forth their commission, requested sir Wm. Peter that he would openly publish and read the same. Which done, the abp. in the name of the rest declared unto the bishop, that a grievous complaint had been heretofore made and exhibited against him in writing, unto the kings majesty and his most honourable council, and that therefore his highness, with their advice, had committed the examination

thereof unto him and other his colleagues there present, as also unto sir Tho. Smith knight, the other of his majesty's two principal secretaries, though them absent, and therewithal shewed also forth a bill of complaint exhibited unto the king by Wm. Latimer and John Hooper, ministers, which they likewise requested sir Wm. Peter to read.—These things ended, the bishop like a subtil lawyer, having most like some secret intelligence before of these matters whatsoever he pretended to the contrary, pulled out of his bosom a solemn Protestation ready written, which he then exhibited unto the commissioners, requesting that the same might be there openly read; the copy whereof is this in tenor and form as followeth.

The Tenor and Form of Edmund Bonner Bishop of London his Protestation, exhibited to the King's Commissioners at his first appearing.

"Edmundus Lond. Episcopus primò & ante omnia protestor quod per hanc meam comparitionem seu per aliqua per me hic dicta seu dicenda, allegata seu alleganda, proposita seu proponenda, exhibita seu exhibenda, gesta seu gerenda, objecta seu objicienda, exercita seu exercenda, facta seu fienda, petita seu petenda, non intendo in vos dominos judices præsentes tanquam in judices mihi in hac parte competentes & idoneos aliquo modo consentire, vestram jurisdictionem presentem in hac parte aliquatenus prorogare, nisi prout ac quatenus de jure ad hoc tenear & astringar rationique consonum videatur: & sub protestatione prædicta & ea semper mihi salva (à qua recedere non intendo, sed eandem in omnibus & singulis deinceps in hoc negotio prætenso per me agendis, pro repetita haberi volo) dico & allego quod literæ commissionales prætensæ vobis (ut dicitur) in hac parte directæ, seu earum vera & legitima copia nunquam antehac mihi ostensæ aut monstr. fuerunt, nec à me aliquo modo visæ, lectæ aut cognitæ, vel mihi traditæ. Itaque contra formam & tenorem earundem, vel contra personas aliquorum vestrum, ea quæ de jure ac naturali ratione mihi competunt in hac parte, cum reverentia (qua decet) objicere, ac in debita juris forma proponere non possum in præsenti ut deberem. Quare ut defensio congrua, quæ nulli hominum deneganda est, mihi reservetur, liquidoque sciam cujusmodi exceptiones mihi in hac parte competere possint, ac debeant, utque eas suis loco & tempore juxta juris exigentiam, pro necessaria defensione mea proponam contra vel prætensas literas commissionales hujusmodi, vel contra personas aliquorum vestrum, quatenus liceat & expediat sub protestatione prædicta, facultatem dictas prætensas literas commissionales in forma originali inspiciendi, ac earum veram, integram, & fidelem copiam debite exinde mihi fieri humiliter peto & postulo prout juris est in hac parte, tenore præsentium: nihilominus testatum manifeste relinquens, quod observantiam & reverentiam, ac obedientiam & honorem, ac cætera quæcunque serenissimæ Regiæ Majestati Domino meo supremo has literas prætensas vobis (ut dicitur) committenti quantercunque decet in omnibus & per omnia perpetuo humanæ recognituras sum, habituraque & præstiturus, & his exceptionibus, & defensionibus legitimis mihi de jure & natura competentibus ad defensionem meam necessarium & legitimam ac non aliter in hac parte usurus."

This Protestation being read, he requested the commissioners that he might have the bill of complaint delivered him. Which, when he had well perused, he said, that the same was very general, and so general, as that he could not directly answer thereunto. Whereunto the archbishop answered, that the special cause of the complaint against him was, for that he had transgressed the king's commandment, given unto him by his council, in that he in his late sermon made at Paul's Cross did not set forth unto the people the king's highness's royal power in his minority, according to the tenor of the article delivered unto him by them for that purpose, and for proof thereof called forth William Latimer and John Hooper, preachers, who before that time had put up the bill of complaint unto the king against him.

Upon whom the Bishop had earnestly looked, and well beheld them, he said, As for this merchant Latimer, I know him very well, and have borne with him, and winked at his doings a great while, but I have more to say to him hereafter. But as touching this other merchant Hooper, I have not seen him before, howbeit, I have heard much of his naughty preaching. And then turning himself again unto the archbishop (of purpose most like to make his friends think that he was not called thither to answer for his contemptuous disobedience, but for matters of religion) said unto him, Ah! my lord, now I see that the cause of my trouble is not for the matter that you pretend against me, but it is for that I did preach and set forth in my late sermon the true presence of the most blessed body and blood of our Saviour Jesus Christ to be in the sacrament of the altar. For as for these my accusers, as they be evil, infamed, notorious, and criminous persons, so are they manifest and notable heretics and seducers of the people, especially touching the Sacrament of the Altar: and most of all this Hooper. For where in my late sermon at Paul's Cross I preached, That in the blessed Sacrament of the altar, after the words of consecration, there is the true body and blood of our Saviour Jesus Christ, the selfsame in substance that was hanged and shed upon the cross; he the same day at afternoon, having a great rabblement with him of his damnable sect, openly in the pulpit within my diocese, did preach erroneously to the people against it; and maliciously inveighing against my sermon, denied the verity and presence of Christ's true body and blood to be in the same sacrament, and also falsely and untruly interpreted and expounded my words. And especially, where I preached and affirmed the very true body and blood of our Saviour Jesus Christ to be in the said Sacrament, the self-same in sub-

stance that was hanged and shed upon the cross, he like an ass, (as he is an ass indeed) falsely changed and turned the word *that* into *as*, like an ass, saying, that I had said as it hanged, and as it was shed upon the cross.

The Archbishop hereupon perceiving the bishop's drift, and hearing him talk so much of the presence of Christ's body and blood in the sacrament, said unto him: My lord of London, ye speak much of a presence in the Sacrament: what presence is there, and of what presence do you mean? Wherewith the bishop being somewhat stirred and moved in mind, as appeared by his choleric countenance, spake again to the archbishop very earnestly and said, What presence my lord? I say and believe that there is the very true presence of the body and blood of Christ. What believe you, and how do you believe, my lord? Upon which words the abp. because he saw his answer dark and subtil, and minding somewhat to nip the gross absurdity of the Papists, asked him further whether he were there, face, nose, mouth, eyes, arms, and lips, with other lineaments of his body? Whereat the bishop shaking his head, said, Oh! I am right sorry to hear your grace speak these words, and therewith boldly urged the archbishop to shew his mind therein. Who wisely weighing the fond presumption of the party, with the place and occasion of their assembly, refused then so to do, saying, that their being there at that time was not to dispute of those matters, but to prosecute their commission committed to them by their prince, and therefore willed him to answer them unto such things as were objected against him.

Whereupon, under his protestation, he required to have a copy both of the commission, and also of the denunciation given unto him, with time to answer thereto. Which the commissioners willingly granted, assigning him there to appear again before them upon Friday then next following, at eight of the clock before noon, and then to answer the tenor of the denunciation. And so for that day (he complaining somewhat of the shortness of his time to answer) they altogether departed.

The second Appearance of Bonner in the Chapel of Lambeth, before the Archbishop and other four Commissioners, the Bishop of Rochester, Secretary Peter, Secretary Smith, and the Dean of Paul's.

Upon Friday the 13th of Sept. aforenamed, four commissioners, associated then also with sir Thomas Smith knight, the other of the king's two principal secretaries, and joint commissioner with them, sat judicially in the archbishop's chapel within his house at Lambeth. Before whom, according to their former assignment there and then appeared the bishop of London. To whom the archbishop, in the name of the rest, first said, My lord of London, the last time you were before us, we laid certain articles and matter to your charge touching your disobedience to the king's majesty, and you have this day to make your answer thereunto, wherefore now shew us what you have to say for your defence.

Whereto the Bishop first asking the archbishop if he had all said and done, and he again saying yea, made this answer: My lord, the last day that I appeared before you, I remember there sat in the king's majesty's commission, your grace, you my lord of Rochester, you master secretary Peter, and you master dean of Paul's, but now I perceive there sitteth also master secretary Smith. Who because he sat not at the beginning, nor took there the Commission upon him, ought not so to do: for by the law, they which begin must continue the Commission. Whereupon the archbishop first answered, that he was no lawyer, and therefore could not certainly show what the law willeth in that case, but saith he, if the law be so indeed, surely I take it to be an unreasonable law.—Well, said the bishop, there be here that know the law, and yet I say not this to the intent to stand or stick much in this point with you, but to tell it you as it were by the way; for I have here mine answer ready.

Then said master secretary Peter to the bishop. My lord, in good sooth I must say unto you, that although I have professed the law, yet by discontinuance and disuse thereof, and having been occupied a long time in other matters from study of the law, I have perhaps forgotten what the law will do precisely in this point: but admit the law were so as you say, yet yourself knoweth, my lord, that this is our certain rule in law. *Quod consuetudo est juris interpres optimus*, and I am sure you will not, nor cannot deny, but that the custom is commonly in this realm in all judgments and commissions used to the contrary; and in very deed we all together at the court, having the commission presented unto us, took it upon us; and therefore for you to stick in such trifling matters you shall rather in my judgment hurt yourself and your matter, than otherwise.—Truly master secretary, said the bishop, I have also of long while been disused, in the study of law, but having occasion, partly by reason of this matter to turn my books I find the law to be as I say, and yet as I said, I tell you hereof by the way, not minding to stick much with you in that point.—At which words, master secretary Smith said also unto the bishop: Well my lord of London, as cunning as you make yourself in the law, there be here that know the law as well as you; and for my part I have studied the law too, and I promise you, these be but quiddities and quirks invented to delay matters, but our commission is to proceed summarily, *& de pleno*, and to cut off such frivolous allegations. Well (said the bishop again) look well on your commission, and you shall find therein these words, To proceed according to the law and justice, and I ask both law and justice at your hands.

Then master secretary Peter willed him to stand no more thereupon, but to proceed unto his answer. Whereupon he took forth a writing, wherein was contained his answer to the

denunciation exhibited the day before by Latimer and Hooper, and delivering it unto the archbishop, said, that it was of his own handwriting, and for lack of sufficient time written so hastily and cursorily that it could scarcely be read of any other, and therefore he desired to read it himself; and so taking it again, read it openly, the copy whereof here followeth:

The Answer of Bishop Bonner made to the Denunciation aforesaid.

"I Edmund bishop of London, concerning William Latimer and John Hooper, the pretended denunciators of this matter here now before you, and for answer unto the unlawful, untrue and uncharitable pretended denunciation of them, lately, indeed contrary to justice and good reason, exhibited here and read before you, under protestation heretofore made by me, and read unto you, remaining in the acts of this court, unto which I refer me, and have the same here again for repeated and rehearsed to all purposes agreeable to the law, do for my necessary defence and help alledge and say as followeth. 1. I do alledge and say, That the said William Latimer and John Hooper, or either of them, were not, nor now are to be admitted in any wise, by virtue of this or any other commission, as denunciators against me their bishop: specially, for that they and either of them have as well before the time of their pretended denunciation, and also, then and since been and be vile and infamed, notorious criminous persons, and also open and manifest notable heretics, especially concerning the sacrament of the catholic church, and namely concerning the blessed sacrament of the altar, by reason of which their heresies they were and be by the order of the said catholic church, here in this realm of England, justly and duly excommunicated and accursed, and have divided themselves thereby from the unity and integrity of Christ's catholic church, and for such persons they have been and are named, reputed, and taken openly, notoriously and commonly amongst the catholic people of this realm of England, and especially of this city of London, familiarly haunting and conversant with sacramentaries, and openly known condemned heretics, and favourers and abettors of the same and their detestable and pestilent doctrine and heresy. 2. Item, that the said John Hooper, amongst other his poisoned and venomous doctrine, and amongst other his erroneous, detestable, and abominable errors and heresies taught and spread abroad here within this realm, infecting and poisoning the king's subjects therewith, hath before the time of the said pretended denunciation, damnably and detestably made divers erroneous and heretical books, especially one, entitled a declaration of Christ and of his office, printed (as he falsely surmiseth) in Zurick, by Augustine friers, where he in many places heretically and damnably denieth the true presence of Christ's body in the blessed sacrament of the altar, and also in effect denieth the verity of Christ's blessed body upon the cross, calling it mathematical, and excluding thereby the true and very substance thereof.—3. Item, that the said Jo. Hooper both persevere and continueth still in his said poisoned and wicked venomous doctrine, in all points maintaining and defending the same and every part thereof all the ways he can, specially against the presence of Christ's blessed body in the sacrament of the Altar; and his said books, especially the said declaration of Christ and of his Office, he doth yet allow and maintain as good and catholic, where indeed it is heretical, wicked and damnable: the contents of which doctrine and book so entitled, the said Latimer, especially touching the heresy against the verity of Christ's body and his true presence in the sacrament of the Altar, hath heard, taught, read, preached, believed, holden, maintained, and kept, and so at this present doth yet believe, hold, maintain, and keep, contrary to the faith of Christ's catholic church, and the unity of the same observed amongst all true Christian people, incuring thereby heresy, excommunication, and schism, to the loss both of their souls and of their believers. 4. Item, that the said Latimer and Hooper, and either of them, being of these vile and detestable qualities, and consequently by the ordinance of the catholic church of Christ, as well of this realm, as also throughout all Christendom, being so excommunicate and cast out thereby from the said church, are not to this pretended denunciation against me their bishop, nor to any judicial act, to be admitted, nor yet to be accompanied withal, or answered unto, but are by scripture, and the order of Christ's catholic church here in this realm, utterly and truly to be excluded, avoided, detested, eschewed, and abhorred, in all manner of wise, of all faithful and true christian people, fearing God, and desiring the advancement of the truth. 5. Item, that where the said Latimer and Hooper, in their said pretended denunciation, amongst other things, do untruly deduce that they have made their said pretended denunciation, not moved of any malice or evil will, but for the good tranquillity and governance of this realm, which, as they pretend in their gay and glorious probeme, they would seem to have a great care and solicitude of, where in very deed they and such as they are by sundry ways, and specially by their corrupt doctrine, and heretical naughty preaching and infecting of the king's majesty's people, have disturbed and greatly inquieted the good tranquillity and governance of this realm, as evidently and notorious it is well known; the truth is, that this their saying is evident and plain false: for notorious it is, and lawfully shall be proved, that the said Hooper, conspiring with the said Latimer and other heretics of their factious sect and damnable opinion, did the first day of September last past, after that I the said bishop of London had made the sermon at Paul's Cross, assemble maliciously, uncharitably, and unlawfully, a great rabblement of such as himself, within my diocese and jurisdiction, and under the colour of reading, did

openly and manifestly rail and inveigh against me the said bishop, for my said sermon, not for any such matter, pretence, or cause, as is falsely and untruly surmised in the said pretended denunciation, but only and chiefly for that I the said bishop, as became a christian man, especially him that had and hath cure and charge of his flock, faithfully and truly to teach them, did, taking occasion of the communion not frequented nor reverenced, but neglected and contemned, confess and declare my faith and belief openly before my audience, touching the blessed sacrament of the altar ministered in the same communion, affirming as the catholic church affirmeth and teacheth, that in the blessed sacrament of the altar there is the very true body of our Saviour Christ, the self same in substance that hanged upon the cross, and the very true blood of our Saviour Christ, the self same in substance that was shed upon the cross. Against which affirmation and assertion, being catholic and true, the said J. Hooper (albeit now colourably, and falsely, and foolishly he pretendeth another matter more plausible in his opinion and judgment in sundry places of the city and suburbs of London) hath since that time maliciously inveighed and taught, learning and teaching his audience heretically, being many in number, and assembling in great routs, to reprove, contemn and despise the said blessed sacrament of the Altar, and not to have a true and faithful belief of it, as hitherto always the catholic church hath ever had, the said Wm. Latimer, and the rabblement of his complices, conspiring and agreeing in points therein, and inducing other to do the same, not making any such pretence at all, as they in their said pretended denunciation do falsely surmise and deduce, but only and chiefly offended for my said assertion, and affirmation of the verity of Christ's body and blood in the sacrament of the altar.—Item, that where the said Wm. Latimer and John Hooper in their said pretended denunciation do further reduce and falsely surmise that I the said bishop of London had delivered to me from the king's majesty, by the hands of the lord protector's grace, and the rest of the king's majesty's council, certain injunctions with articles to be insinuated and preached to the king's majesty's subjects at a certain day limited, and after such sort, form, and manner, as is in the said pretended denunciation surmised untruly, and deduced; It is notorious and evident, as well by the tenour and continue of that writing which was to me the said bishop of London delivered by the hands of sir Thomas Smith knight, one of the two principal secretaries to the king's majesty, as otherwise, that the said surmise, in such sort and fashion as it is deduced and made, is not true in this behalf, referring me to the tenour of the said writing, which neither was signed with the king's majesty's hand, nor sealed with any his majesty's seal or signet, nor yet subscribed by any of the said council, or delivered after such sort as is alledged and pretended, as more evidently hereafter shall appear and sufficiently be proved for my lawful and necessary defence in this behalf.—6. Item, that in case any such injunctions with articles, after such form and fashion, had so been delivered unto me as is surmised and pretended, yet false and untrue it is that I the said bishop either left out, or refused to declare the same for any such cause or causes, falsely and untruly surmised in the said pretended denunciation, or else so perversely and negligently did, as likewise in the said pretended denunciation is deduced, which thing may well appear in the discourse of my said sermon, where in substance and effect I declared faithfully and truly these points specially following; that is to wit, that all such as rebel against their prince get unto them damnation, and those that refuse the higher power resist the ordinance of God, and he that dieth therefore in rebellion is by the word of God utterly damned, and so loseth both body and soul, alledging for this purpose the 13th chapter of St. Paul to the Romans, and it at large declaring unto the audience: furthermore, speaking of the rebels in Devonshire, Cornwall, Norfolk, and elsewhere within this realm, standing in doubt whether I might put them in the place of those that put trust in themselves and despised all other, or in the place of both, doing as they did, forgetting God, not duly considering the king's majesty their supreme head next and immediately under God, forgetting their wives, their children, their kinsfolk, their alliance, acquaintance, and friends, yea themselves, and their native country, and most unnaturally rebelling against their sovereign lord and king, whom by God's law they were bound to love, serve, and faithfully obey; I did to the best of my power dissuade rebellion, and exhort the audience unto true obedience being thus commanded; and all rebellion being in like manner forbidden under pains of eternal damnation, all these rebels in Cornwall, Devonshire, Norfolk, or elsewhere, who take upon them to assemble a power and force against their king and prince, against the laws and statutes of the realm, and went about to subvert the order of the commonwealth, did not only deserve therefore death, as rebels and traitors, but also did accumulate unto themselves eternal damnation, even to be in the burning fire of hell, with Lucifer the father and first author of pride, disobedience and rebellion. And here I did ask who had induced the said rebels thus to do: to which I answered by another question, demanding who moved and induced Eve to take the apple and break her obedience against God's commandment? who moved also and induced Cain to kill his brother Abel: yea, who moved Judas the apostle to betray his master Christ? was it not the devil? yes truly, and he it is, said I, that of his great malice and hatred to men and good order hath moved and induced these rebels to this unnatural rebellion against their prince and sovereign lord. Whereupon I asked what pretences they had, and answering thereto, said; that amongst other they had masses and holy

water, upon which I exclaiming against them, said, Good Lord! is not this a marvellous thing, to palliate, colour, excuse, and maintain rebellion, and inobedience, to pretend mass or holy water, as who saith, that these things had been instituted and ordained to defend, maintain, and excuse rebellion, treason, and inobedience, which I told the audience they could not do. And thereupon I brought four texts of scripture to prove this thing that I said, alledging the 16th chapter of the book of Numbers, the 15th chapter of the first book of Kings, the 10th chapter of Leviticus, and the fourth that myself added also, the 13th of St. Luke, joined with the 5th of the Acts, setting them forth the best I could, as one not much exercised in preaching, but restrained therefrom. And here I concluded, that whatsoever pretences these rebels had of masses, holy water, or such other, it could not in any wise excuse or defend their rebellion and inobedience, referring myself herein to the indifferent hearers in the said audience. And here pulling out a writing, sent from the king's majesty's privy council unto me, touching the victory against the said rebels, which for brevity of time my memory would not serve to declare without book, I did rehearse it in writing word by word. In doing whereof it well appeared, that I did not favour the opinion of the said rebels, nor maintain their enterprise, but contrariwise did detest them and all their doings, declaring obedience to be better than sacrifice; and that in disobedience and rebellion nothing could or did please Almighty God. Further, taking occasion of the proud pharisee and the humble publican ascending into the Temple to pray, and noting the outward and external doing of them both, with the success thereof, I declared to the audience touching the order of the church and the external rites and ceremonies of the divine service, that for as much as God requireth humility of heart, innocency of living, knowledge of him, charity and love to our neighbour, and obedience to his word, to his ministers, and to the superior powers, we must bring all these things to all our prayers, to all our service, and that this is the sacrifice that Christ requireth, and that these be the things that make all other things pleasant to Almighty God; further saying, that the externel rites are but exercises of religion, and appointed by superior powers, and that in the choosing thereof we must obey the magistrates, and that we also do see that those things ever have been and shall be divers, as the time and place is, and yet all hath pleased God, so long as humility of heart, innocency of living, knowing of God, charity and love to our neighbour, with obedience to God's word, God's ministers, and superior powers, are concurrent and present therewith.—7. Moreover, I then said, that if any man should use rites, and disobey thereby the superior powers, the devotion of his ceremony was made evil by his disobedience. Insomuch that that which, standing the law, might be good, was by pride, disobedience, and rebellion, made evil and unprofitable, putting example in the fact of Saul reserving the fat sheep for sacrifice, and in Korah, Dathan, and Abiram, and also in Nadab and Abihu, Aaron's two children, and in the Galileans, whose blood Pilate did mire with their sacrifices. And thereupon I told the audience that they must do herein especially two things: the first, they must join to and with their devotion faithful obedience, and then they shall win the garland, and otherwise have but a zeal, *sed non secundum scientiam*, deserving no thanks or praise of God; and also they must with and to their obedience join devotion, knowing that God more doth require and consider the heart, then the outward doing. And thereupon I exhorted the audience, that when they came to take the communion, or to hear or say the service, appointed by the king's majesty, they must bring devotion and inward prayer with them, or else their prayers shall be but vain, as wanting and lacking that thing which God requireth, that is, the heart and mind to pray to him. And herein because I marvelled that the communion was no more frequented now a-days, and lamenting the unreverent coming to it and using of it, fearing that it proceeded of an evil opinion and belief touching the sacrament of the altar, ministered and distributed at the same communion, and to the intent to make the people have better opinion of it than they seemed to have, I did faithfully, truly and plainly declare my belief of the said sacrament, wherewith the said Latimer and Hooper, with their complices, were so much offended and aggrieved.—8. Item that where the said William Latimer and John Hooper do further in the said pretended denunciation untruly, and uncharitably deduce and alledge, that I in my said sermon did intreat of such things, as most should move and stir up the people to disorder and dissention, it doth hereby evidently and clearly appear, that either the said pretended denunciators do take and esteem a declaration faithfully made of the loyal obedience of subjects to the king's majesty, the supreme and sovereign lord, and the great peril and danger of rebellion committed by subjects against their king and prince and sovereign lord, to be a moving, provoking and stirring up of people to discord and dissension, or else that the affirmation and assertion catholick of the verity of Christ's body and blood in the blessed sacrament of the altar, set forth by me as afore, doth effect and work such disorder and dissension; for evident it is to all those which indifferently heard my said sermon, that I (grounding myself upon scripture, and taking occasion of the Sunday then occurrent) did speak specially and earnestly of these two things, without taxing of any man specially by name, or other circumstance, to slander them thereby, and I did both set forth the obedience and duty of all subjects, generally to their king, and specially of subjects of this realm to the king's majesty that now is, whose minority to all people of this realm is more than manifest, and is also

apparent, or evidently known to all the whole world beside; and also, I did then declare and lay open the imminent danger and great peril of rebellion in subjects against the high powers and authority, and also specially of the rebellion late committed by them of Devonshire, Cornwall, Norfolk, and elsewhere, against the king's majesty that now is, which I would not have done, except I both had believed that all the king's subjects without exception were bound to obey the king's majesty even as he now is, was, and shall be, during his life, which our Lord long preserve to all our comforts and wealth, and also that the rebellion of late so committed against his majesty was damnable, and utterly detestable and condemned by God's law; and herein I refer me to the indifferent hearers of this my sermon, wishing that this Latimer, and Hooper, with all the rest of these new preachers, did mean as faithfully, truly, obediently and catholicly, as I always have done toward the king's majesty, his honour, authority, royal power, and surety of his person and realm, and did not more move, incourage, and stir the king's majesty's subjects to sedition, tumult, and inobedience, by their erroneous doctrine and teaching, than I did at any time encourage, mode, or stir any of them in any wise; or give occasion to any of the same.—9. Item, where the said Wm. Latimer and John Hooper do falsely surmise in their pretended denunciation, that it was of no light ground looked for, that I the said bishop of London should more apertly have declared the injunctions and articles aforesaid, and that it did so appear unto their judgments; I do say, that their judgments are corrupted and only set to slander and picking of quarrels in this behalf, being well assured and so credibly informed that all the worshipful and honest catholic persons of my said audience were fully satisfied both as touching obedience to the king's majesty in his tender age and minority, and also touching the penalty and great peril of punishments for the rebellion so lately committed against the said majesty by the foresaid rebels. And moreover I do say, that before my lord protector's grace, and the rest of the king's majesty's most honourable council then present, I made my excuse and alledged many impediments for my not preaching at the cross, and did not further promise but to do the best I could, which of my fidelity and conscience I did, not omitting any thing of purpose or evil will, that might be to the satisfaction of all people both good and bad in every condition and point, specially in this behalf, collecting and gathering together, with all diligent study, all that might make, in my judgment and opinion, for the better setting forth of the same."

Thus have you Bonner's Answer to the Denunciation aforesaid; wherein first he alledged, or rather shamelessly and slanderously cavilled, that those his denouncers were vile, infamed and notorious criminous persons, and also open and manifest heretics, as well against the rest of the sacraments of the church, as chiefly against the sacrament of the altar; and were for the same by the orders of the church excommunicated and accursed, and were so taken of all the catholics of this realm, and especially Hooper; who, besides other his poisoned doctrine and heresy amongst the people, had also before the time of the denunciation made divers erroneous and heretical books against the true presence of Christ's body in the sacrament of the altar, and did also continue in the same, allowing and maintaining it as good and catholic. Which books and doctrine, chiefly against the sacrament of the altar, William Latimer had and then likewise did allow, believe, and teach, to the loss of both their own souls, and also their believers, and therefore were not now nor ought at any time to be admitted either in this their denunciation against him, or in any other judicial act; and that the rather also, because that although they pretend in their denunciation, that they made not the same of any malice or evil will towards him, but for the good tranquillity and quiet governance of this realm, yet was it notoriously known, that as well the same day at afternoon in which he the said bishop preached at the Cross of Paul's, as also at sundry other times, they two, conspiring with other of their faction, did maliciously and unlawfully within his diocese assemble together a great rabblement of such as themselves were, and there under the colour of reading did openly rail and inveigh against him, not for any the causes pretended in their denunciation, but because he had in his sermon declared, as the catholic church taught, that in the sacrament of the altar there was the very true body and blood of Christ, the same in substance that was hanged and shed upon the cross.

Then, after these vain and frivolous allegations against the denouncers, he cometh and answereth to the substance of their denunciation, and saith, that where they in the same do falsely surmise that there were delivered unto him from the king's majesty, by the hands of the lord protector and the rest of his highness's council, certain injunctions and articles to be published and declared unto the people, at a day limited in the same, their information, in such sort as it was deduced, was most false and untrue, for that the articles delivered unto him by sir Thomas Smith, one of the king's secretaries, were neither signed with the king's own hand, neither sealed with his highness's seal or signet, nor yet subscribed by any of his council, &c.

Where mark, I beseech you, the subtilty of a disloyal papist, who, because the articles were not sealed by the king and his council, would make them therefore not to be of any such force, as that the breach thereof should cause him to incur the danger of contemptuous disobedience. But admit they were not signed nor sealed, of which thing by the way in the denunciation there is no mention yea or nay, yet it is manifest by the second bill of articles

ministered unto him by the commissioners, in the fourth act of his process, that at such time as he was before the council, those articles were by the commandment of the lord protector, openly there read unto him by one of the secretaries, and after addition of the article concerning the king's lawful power and authority during his young years, were also delivered unto him by the hands of the lord protector, in the presence of the rest of the council; who thus receiving them promised there faithfully to accomplish all the contents thereof. After which, they were again delivered unto secretary Smith, to amend such things therein as the lord protector and the rest of the council had there appointed. Which being accordingly done, as the bishop himself at the last receipt thereof confessed, were finally delivered unto him by the secretary; and therefore was this but a poor shift.

Now, after this, he maketh a supposition, that in case it were true, that the injunctions were delivered him according to their information: yet was it untrue that he did omit or refuse to declare the same for any such causes as they had alledged against him, and that did well appear in the discourse of his sermon, which tendered principally, as he said, to the disallowing and condemnation of all rebels, and chiefly of the rebels in Norfolk, Suffolk, Devonshire, and Cornwall, or elsewhere within this realm of England: Who forgetting their allegiance and duty unto their prince, assigned them by God's word as their supreme head, their natural love and care for their country, wives, children, and kinsfolk, did both deserve death bodily as traitors, and also accumulate unto themselves damnation of body and soul eternally with Satan, the father and first mover of all rebellion and disobedience; and herewithal further exclaiming against the pretences of those rebels, who amongst other things pretended the mass and holy water, with such like, which were never ordained for the purpose to colour and maintain rebellion, as he said he then proved out of the 16th of Numbers, 1 Reg. 15, Levit. 10, and 4 Luke 13, and Acts 5, in the best manner that he could, as one not exercised greatly in preaching, but restrained therefrom, but having humility of heart, innocency of living, knowledge of God, love to our neighbours, with obedience to God's word, ministers, and superior powers concurrent with them, they being external rites and ceremonies of the church, were exercises of religion, and appointable by superior powers; and yet that, which, standing the law, might be good, was by pride and disobedience made evil unprofitable.

And here he further said because he saw the people slack in coming to the communion and divine service set forth by the king's majesty, and to the intent he would make them have a better opinion in the sacrament than he thought they had, he then faithfully did declare his belief therein. Wherewith his denouncers being offended, they uncharitably and untruly deduced in their pretended denunciation, that in his sermon he did intreat of such things as most should stir up unto dissension and tumult; whereby it appeared unto him, that his denouncers either took his catholic assertion of the verity of Christ's body and blood in the sacrament of the altar, or else his faithful declaration made of the obedience of subjects unto the king's majesty their supreme and sovereign lord, with the peril and danger of rebellion committed against him, to be the cause of disorder and dissension; for that, saith he, of these two points he chiefly spake, and especially of obedience to the king; whose minority was more than manifestly known, as well amongst the people of this realm, as elsewhere throughout the world besides; which he would not have done, except he had believed, that both all his subjects were bounden to obey him, even as he then was and should be during his life, and also that the rebellion of late committed against him was detestable and condemned by God's word: and therefore he wished that his two denouncers, with all the rest of the new preachers, did mean as faithfully, obediently, and catholicly towards the king's honour, royal power, and surety of person, as he did, and had not more moved the people to tumults and disobedience by their erroneous doctrine and teaching, than he had at any time given any occasion thereunto.

Then finally he concluded and said, that whereas his aforesaid denouncers surmise, that it was of no light ground looked for, as it appeared in their judgments, that he should more apertly have declared the contents of the injunctions and articles than he did, that their judgments were in that behalf corrupted and set to slander and picking of quarrels; for he was well assured, and credibly informed, that all his honest and catholic audience were fully satisfied, both touching their obedience to the king's majesty in his tender age, and also concerning the great penalty and peril that the late rebels incurred by their disobedience. And besides that, when he was before the lord protector and the rest of the council, after he had made his excuse, and alledged many impediments for his not preaching at the cross, he did not then further promise but to do the best he could, which he hath of his fidelity and conscience accomplished, not omitting anything of purpose or evil will, that might satisfy the people in any point concerning the premises.

Whilst he was thus reading these answers, objecting against his denouncers such causes and quarrels as he before alledged, for which he would have earnestly had the denouncers to be repelled of the commissioners, the archbishop of Canterbury replied, That if there were any such law, he thought it not to be a good or godly law, but a law of the bishop of Rome, For, said he, if my matter and cause be good, what should I care who accuse me, yea although he were the devil of hell.—No sir, said the bishop of London, it is the king's law used in the realm.—Well my lord (said the archbi-

shop) ye be too full of your law; I would wish you had less knowledge in that law; and more knowledge in God's law, and of your duty.—Well, answered the bishop again, seeing your grace falleth to wishing, I can also wish many things to be in your person.

Then spake secretary Peter to the bishop as touching these denouncers, we are not so straited in this matter, but that we may proceed against you, either at their promotion, or without them at our pleasure.—A God's name then, said Bonner, put them by, and then do as your pleasure shall be, so you do me right, for I ask but right.—Nay, said secretary Smith, you ask you wot not what: you would have us follow your mind in these quiddities and quirks; and all is nothing else but to delay justice. And you do herein as thieves, murderers, and traitors, not to have the truth known.—Say you so to me, quoth the bishop? I thank you. Well I could say somewhat to you also, were ye not in the place ye be, but let it pass. As for my matter, I fear it not, it is not so evil as you make it; for I have your own hand-writing for my discharge, which when I shall see time, I shall shew forth.—My hand? quoth the secretary. Let me see it, and let it be read openly. So it shall, said the bishop, when I shall see time. Then said Mr. Smith, you do use us thus to be seen a cunning lawyer. Indeed, quoth the bishop, I knew the law, ere you could read it. With that, secretary Peter willed the bishop to proceed in reading of his answers; who so did, and when he had finished, Latimer delivered up a writing in paper unto the archbishop and the rest of the commissioners; who then said unto the bishop of London, here be certain articles which we intend to minister unto you. The bishop therewith said, do you minister them of your office, or at the promotion of these men? (pointing to Latimer and Hoopes) for I perceive they gave them unto you. Nay, said secretary Peter, we will minister them unto you, *ex officio mero*, and therefore took an oath of the bishop *de fideliter respondendo*. Who desiring a copy of the articles, required also a competent time to be given unto him to make answer thereunto.—To whom secretary Peter replied, saying, my lord here be certain of the articles touching your own fact, which you may answer unto forthwith as whether you wrote your sermon or not before you preached it. Whereunto the bishop answered, that he wrote it not, but he drew certain notes of it. Then those council, said he, and advice used you in making your sermon? To which he also answered, that he had therein used his own council and books, and yet my chaplains, quoth he, be much suspected for my doings in many things, and sometimes I for theirs, when there is no cause why.

These words ended, the commissioners assigned him Monday the 16th of September then next following, to appear before them, and to make his full answers unto all the Articles ministered unto him by them this day, the contents whereof are as followeth:

The Form and Tenor of the Articles ministered unto the Bishop of London, by the King's Commissioners.

Monday the 16th of September, 1549, the archbishop associated with the bishop of Rochester, secretary Smith, and Dr. May dean of Paul's, sat judicially within his chapel at Lambeth: before whom there and then appeared the bishop of London, according as he was assigned in the last session: at which time he exhibited unto the commissioners in writing his answers unto the last former articles.—But before the same were there read, the archbishop said unto him, that his late answers, made the 13th of Sept. unto the Denunciation were very obscure, and therewith also contained much matter of slander against Latimer and Hooper, and much untruth, and therefore they desired there to purge themselves. Whereupon Latimer, first obtaining leave to speak, said, that the bishop of London had most falsely, untruly, and uncharitably accused him, laying to his charge many fained and untrue matters in his former answers to the denunciation, and such as he should never be able to prove. For where in his said answer he alledged, that Hugh Latimer and John Hooper, with other heretics conspiring against him, did the first day of September after the bishop's sermon assemble themselves together unlawfully against the said bishop, that saying of his was most untrue. For neither that day, nor yet before that day, nor until certain days after he ever knew or spake with Hooper. And as touching his own preaching there, openly accused by the bishop, he said he never held, taught, or preached any thing concerning the blessed sacrament, otherwise than he ought to do, nor otherwise than according to the scriptures, and true catholic faith of Christ's church; and therefore offered himself to be tried by the archbishop, or other such learned men as it should please the king's majesty, or the said commissioners to appoint; and further to suffer, to be hanged, drawn, and quartered, if the bishop could justly prove true the things that he had there shamefully laid to his charge. Then Master Hooper, upon like licence obtained, said to this effect:

"This ungodly man, pointing to the bishop, hath most uncharitably and ungodly accused me before your grace and this audience, and hath laid to my charge that I am an heritic. Whereas I take God to record, I never spake, read, taught, or preached any heresy, but only the most true and pure word of God. And where he saith, I frequent the company of heretics, I do much marvel of his so saying: for it hath pleased my lord protector's grace, my singular good lord and master, and my lady's grace, to have me with them, and I have preached before them, and much used their company, with divers other worshipful persons, and therefore I suppose this man meaneth them. And further, whereas he saith that I have made heretical books against the blessed sacrament of the body and blood of Christ, calling it mathema-

tical, I perceive that this man knoweth not what this word mathematical there meaneth, and therefore understandeth not my book: which, I take God to be my judge, I have made truly and sincerely, and according to his holy word: and by the same his holy word and scriptures I am always and shall be ready to submit myself to your grace's judgment and the superior powers to be tried; with many such more words of like importance." Which ended, the archbishop, to shorten this matter, asked the bishop how he could prove that Hooper and Latimer assembled together against him the first of September, as he had alledged, seeing they now denied it, and therefore willed him to answer forthwith thereunto.

The bishop then answered, that he would duly prove it, so that he might be admitted to do it according to law, and with that he pulled out of his sleeve certain books, saying, I have this varlet's books which he made against the blessed Sacrament which you shall hear. Then as he was turning certain leaves thereof Hooper began again to speak: but the bishop, turning himself towards him, tauntingly said, put up your pipes, you have spoken for your part, I will meddle no more with you, and therewith read a certain sentence upon the book. Which done, he said, Lo here you may see his opinion, and what it is. At which words the people standing behind, and seeing his unreverent and unseemly demeanour and railing, fell suddenly into great laughing. Whereat the bishop being moved, and perceiving not the cause wherefore they did laugh, turned him towards them in a great rage, saying, Ah woodcocks, woodcocks.

Then said one of the commissioners, why say you so, my lord? Marry, quoth he, I may well call them woodcocks, that thus will laugh, and know not whereat, not yet heard what I said or read. Well my lord of London, said the archbishop, then I perceive you would persuade this audience, that you were called hither for preaching of your belief in the sacrament of the altar, and therefore you lay to these men's charge, meaning Hooper and Latimer, that they have accused you of that. Howbeit, there was no such thing laid to your charge, and therefore this audience shall hear openly read the denunciation that is put up against you, to the intent they may the better perceive your dealing herein. And therewithal he said unto the people, My lord of London would make you believe, that he is called hither for declaring and preaching his opinion touching the sacrament of the altar: but to the intent you may perceive how he goeth about to deceive you, you shall hear the denunciation that is laid in against him read unto you, and thereupon he delivered the denunciation unto sir John Mason knight, who there read it openly. Which done, the archbishop said again unto the audience, Lo, here you hear how the bishop of London is called for no such matter as he would persuade you.

With this the bishop being in a raging heat as one clean void of all humanity, turned himself about unto the people, saying, Well, now hear what the bishop of London saith for his part. But the commissioners, seeing his inordinate contumacy, denied him to speak any more, saying, that he used himself very disobediently, with more like words.—Notwithstanding, he still persisting in his unreverent manner of dealing with the commissioners, pulled out of his sleeve another book, and then said unto the archbishop; My lord of Canterbury, I have here a note out of your books that you made touching the blessed sacrament, wherein you do affirm the verity of the body and blood of Christ to be in the sacrament, and I have another book also of yours of the contrary opinion; which is a marvellous matter.—To the which the archbishop answered, that he made no books contrary one to another, and that he would defend his books, howbeit he thought the bishop understood them not: for I promise you, quoth he, I will find a boy of ten years old, that shall be more apt to understand that matter than you my lord of London be.

This after much multiplying of like words, the commissioners, thinking not good to spend any more waste time with him, willed him to shew forth his Answers unto the Articles objected the last day against him. Whereupon, he having them ready, did read the same openly to them. Wherein after many words of his former Protestation recited, with a marvellous lamentation to see that one of his vocation, at the malicious denunciation of vile heretics, should be used after such a strange sort, having nevertheless done the best he could to declare his obedience unto the king's majesty for the repressing and discouraging of rebellion and rebels, and also for the advancement of the verity of Christ's true body and his presence in the sacrament of the altar, for which only the malicious denouncers with their complices had studied to molest and trouble him, he then cometh to answering the Articles, and saith, that to the first, second, and fourth, he hath already in his former Answers to the Denunciation sufficiently answered, and therefore was not bound by law to answer any further.

As to the third, and fifth, he said, he began to write his sermon, but being soon weary, he did only make certain notes thereof, without help of any other, saving that he shewed them to his chaplains, requiring them to put him in remembrance thereof. Amongst the which, for the better setting forth of the king's majesty's power and authority in his minority, he had collected as well out of histories, as also out of the Scriptures, the names of divers young kings, who, notwithstanding their minority, were faithfully and obediently honoured, and reputed for very true and lawful kings; as Henry 3d being but nine years old, Edward 3d being but 13 years, Richard 2d being but eleven years, Henry 6th being not fully one year, Edward 5th being but 11 years, Henry 8th being but 18 years of age. And out of the Old Testament, Osias and Achas who were but 16 years old, Solomon

and Manasses being but 12 years, Josias, Joachim, and Josas, being but 8 years of age when they entered their reigns. All which notes with many other he had purposed to declare, if they had come into his memory, as indeed they did not, because the same was disturbed, partly for lack of use of preaching, and partly by reason of a bill that was delivered to him from the king's council, to declare the victory then had against the rebels in Norfolk and Devonshire, which, being of some good length, confounded his memory; and partly also for that his book in his sermon tune fell away from him, wherein were divers of his notes which he had collected for that purpose: so that he could not remember what he would, but yet in generality he persuaded the people to obedience to the king's majesty, whose minority was manifestly known to them and to all other.

Then as to the sixth, he said he knew not the rebels opinion, and therefore could not answer thereunto. And as for answer to the seventh, eighth, ninth, and eleventh Articles which touched his pastoral office, he said, that notwithstanding his manifold and great troubles, as well by his own business and his family's sickness, as also by uncharitable informations made against him, yet he hath not failed to give order unto his officers straightly to look unto such matters, and such as he hath known, which were very few or none, he caused to be punished according to the laws. All which Answers, with other written with his own hand, hereunder follow.

The Answers *of Bonner unto the* Articles *objected to him by the King's Commissioners, the first time.*

"I Edmund, bishop of London, under protestation heretofore by me made, exhibited and repeated before you, which in all my sayings and doings I intend to have for repeated and rehearsed again to all lawful effects and purposes for my honest and necessary defence, with protestation also of the nullity and iniquity of your process I had made in this behalf, and likewise of the generality, incertainty, obscurity, contrariety, repugnancy, variety, insufficiency, and invalidity of the things alledged and deduced before you against me, as well in the commission and denunciation in divers parts, as also touching the articles and interrogatories so ministered unto me; lamenting not a little, that one of my vocation, at the malicious denunciation of vile heretical and detestable persons, should be used after this strange sort, having done the best I could to declare mine obedience unto the king's most excellent majesty, for the repressing and discouraging of rebellion and rebellious persons, and for the advancement of the verity of Christ's true body and his presence in the most blessed Sacrament of the altar. For which only the malicious denunciators with their complices have studied to molest and trouble me; although colourably they would be seen to pretend other causes, especially the good and tranquillity of this realm, which our Lord God knoweth they care nothing for, but contrarywise do let and impeach the same, corrupting and infecting with their poisoned and false doctrine, and teaching the king's subjects in this realm, to the great peril and danger thereof many ways; do answer unto certain pretended Articles and Interrogations ministered by you indeed unto me the said bishop the 13th of Sept. 1549, as followeth.

"To the first Article objected against me, I do say and for answer do refer me unto my former Answers heretofore, that is to wit, the 13th of Sept. made and exhibited by me before you unto the said pretended denunciation, touching this matter; alledging withal, that a report of things doth not absolutely prove, nor necessarily infer things to be in very deed true after such a sort, fashion, manner, and form, as sometimes they be reported and rehearsed.—To the second, I do answer and say, that this Article doth depend on the first Article next before, which after such sort, fashion, manner, and form as it is deduced, was justly by me, in my answer made unto the same, denied, and I therefore now not bounden by the law eftsoons to make other answer thereunto.—To the third, I do answer and say, that I began to write a piece of my sermon, and being soon weary thereof, I did leave off, and did make only certain notes of my said sermon, and put the same notes in writing of mine own hand, without help or counsel of any other, and the same notes did shew unto my chaplains, Master Gilbert Bourne and Master John Harpsfield, both before and also since my said sermon, only desiring them to put me in remembrance of my said notes, and process to be made thereupon, and also to search out for me the names of such kings as were in their minority when they began to reign.—To the fourth, I do answer and say, that this Article doth depend upon the first and second Articles here before denied, deduced in such sort, manner, and form, as is expressed in the same, and moreover I say, that already answer is made hereunto by me, in my former answers made to the said pretended denunciation.—To the fifth, I do answer and say, that this Article also doth depend upon the first and second Articles, and that answer is made thereunto by me already in my former answers made unto the said pretended denunciation. And moreover I do say, that for the better advancement and setting forth of the king's majesty's royal power and authority even in his minority, and for the due obedience of his majesty's subjects unto his highness, even during the said minority, I had collected together as well out of histories, as also out of the Scripture of the Old Testament, the names of divers kings being in minority, who, notwithstanding their said minority, were faithfully, duly, and reverently obeyed, honoured, served, taken and reputed for very true and lawful kings, as Henry the 3d, being but nine years old when he entered to reign and

govern as king. Edward the 3d, being but 13 years of age. Richard the 2d, being but 11 years of age. Henry the 6th, being not fully one year of age. Edward the 5th, being but 11 years old. Henry the 8th, being about 18 years old; and so all these kings being in their minority as the king's majesty that now is, and yet having authority and power legal, as appertaineth; and in the Old Testament, Osias and Achas were very true kings in their minority, being but 16 years of age; Solomon and Manasses being but 12 years of age; Josias and Joachim being but 8 years of age, and Joas being but 8 years old: all which things I say I had collected in notes, communicating the same with my said two chaplains, and praying them to put me in remembrance, if in numbering of them, or in setting forth my other notes at the time of my sermon, I did fail, or have default of memory in anywise. And all these things I would have specially set forth in my said sermon if they had come to my memory, as indeed they did not, partly for disturbance of my memory not accustomed to preach in that place, partly also by reason of a certain writing that was sent me from the king's majesty's privy council, being of good length, to declare unto the people touching the victory against the rebels, specially in Norfolk, Devonshire, and Cornwall, confounding my memory in things which before I had set in good order, and partly also for the falling away of my book in the time of my said sermon, in which were contained divers of my said notes touching the king's majesty's minority, as is aforesaid, having yet nevertheless otherwise, in generality and speciality, persuaded the people to obedience, unto the king's said majesty, whose minority to them and all other is notoriously and manifestly known, and his majesty, saving of these late rebels, faithfully, truly, and reverently obeyed of all the rest of his subjects.—To the sixth, I do answer and say, that not knowing certainly of which Rebels the article meaneth, ne yet what their opinion is indeed, I ought not to be driven to make an answer hereunto, ne yet can make good and perfect answer therein though I would.—To the seventh, I do answer and say, that albeit I have by the space of these five weeks last past and more, been in manner continually in business and trouble, as well in providing for my said sermon, as otherwise, specially by reason of my family, much vexed with sickness, to my great disquietness and charge, and also by reason that I have been so much troubled and cumbered by informations and complaints unjustly and uncharitably made against me, over and besides the having of divers and sundry persons, which daily resort and come unto me for their suits and business, both in matters of justice and otherwise, yet I have not omitted to send forth to my archdeacons and other my officers, to enquire and search diligently in this behalf, and to certify me accordingly, and yet I cannot hear certainly of any that have heard, been at, or celebrated masses or even song in the Latin tongue, after the old rite and manner, except it be in the house of my lady Mary's grace, or in the houses of the ambassadors, ne yet there nor in any of them, but by flying and not assured report, and without knowing the names and persons that so have heard, been at, or celebrate the same, and in this behalf how far I can and ought to proceed and after what sort, I do refer me unto the statute late made in that behalf.—To the eighth, I do answer and say, that this Article doth depend of the next article going before, and so consequently answer is already thereunto made.—To the ninth, I do answer and say, that touching such as either have been denounced or detected for such criminous and culpable persons to me or my officers, there hath been process already made before my said officers, as it appeareth in my register, and the acts of my court: and moreover, I have given express commandment to my said officers, to enquire and search for more such offenders, and to certify me thereof, that I may proceed against them accordingly.—To the tenth, I do answer and say, That as touching the time mentioned in the Article, and the declaration to be made by doctor Cox, I do not well remember either the same time, or yet the special points and substance of the said doctor Cox's declaration: truth it is, I was at a sermon made at Paul's cross by the said doctor Cox, wherein he inveighed against my lord of Winchester, and as far as I can now call to my remembrance, it was touching disobedience, wherewith my lord of Winchester by the said doctor Cox seemed to be charged, and for a sermon also that my lord of Winchester was seeming to have made before the king's majesty in the court of Westminster.—To the eleventh Article being by itself delivered unto me the 14th of this present Sept. 1549, in the night at my house of London beginning thus, Item, that the rites, &c. and ending thus, The misuses thereof; I do answer and say, that I have already given commandment to my officers to make diligent search and enquiry herein, and to certify accordingly, to the intent I may proceed therein as appertaineth, and would before this time myself have also inquired and proceeded, had I not so been of all sides oppressed and pestered with multitude of other necessary business, as I have been, to my great disquietness and trouble."

When he had ended the reading of these Answers, the commissioners said unto him that he had in the same very obscurely answered unto the fifth article ministered the 13th of Sept. wherefore they willed him there expressly to answer by mouth, whether he had, according to the injunctions delivered unto him, declared the Article beginning thus, You shall also set forth in your sermon that our authority, &c. Whereunto he again answered, That he had already made as full and sufficient an answer in writing, as he was bound to make by law.—The Judges then replied, that the answers already made in that part were obscure and insufficient, so that it appeared not certainly

whether he had preached indeed according to the same injunction or not; and therefore they eftsoons willed him, as before, directly to answer whether he had so accordingly preached or no, the bishop still yet answering as before.—The Judges again demanded of him, whether he would otherwise answer or no. To the which he said, no, unless the law did compel him. Then they asked him whether he thought the law did compel him to answer more fully or no? He answered, no; adding further that he was not bound to answer to such positions.

The commissioners, then seeing his froward contumacy, told him plainly, that if he persisted thus in his frowardness, and would not otherwise answer, they would according to law take him *pro confesso*, and *ex abundanti* receive witness against him, and there withal did recite again to him six of the first and principal Articles, demanding his final answer thereunto. Who said, as before, that he had already fully answered them by writing; but where they requested to have his notes, which he said he had made of his sermon, they should have them if they would send for them. And whereas in his answer to the sixth article he doubted what the opinion of the rebels was, the Judges declared unto him that their opinion was, 'That the king's majesty, before his grace came to the age of 21 years, had not so full authority to make laws and statutes, as when he came to further years; and that his subjects were not bound to obey the laws and statutes made in his young age.' Whereunto the bishop answered, that he was not of the opinion of the rebels mentioned in that article, as did well appear by his answers as well unto the denunciation, as also unto the fifth article objected against him.

Which ended, they, perceiving his scornful carelessness, presently did admit for witness, upon the articles objected against him, master John Cheke, Henry Markham, John Joseph, John Dowglas, and Richard Chambers, whom also they onerated with a corporal oath upon the holy evangelists, truly to answer and depose upon the same articles in the presence of the bishop, who under his former protestation, like a wily lawyer, protested of the nullity of the receiving, admitting, and swearing of those witnesses, with protestation also to object against the persons and sayings of the witnesses in time and place convenient; demanding also a competent and lawful time to minister interrogatories against them, with a copy of all the acts to that day. Wherewith the delegates were well pleased, and assigned him to minister his interrogatories against master Cheke on that present day, and against the rest the next day before noon.

All which Interrogatories who so listeth to peruse, may hereunder read the same as followeth:

Certain Interrogatories exhibited by Bonner to be ministered against the foresaid Witnesses, upon the Articles above mentioned the 18th of September.

"I Edmund bishop of London, under my protestations heretofore made before you, do minister these interrogatories insuing, against all and singular the pretended witnesses already received and sworn, as hereafter to be received and sworn against me the said bishop in this matter, requiring and desiring under the said protestation, that all and singular the said pretended witnesses may be examined in virtue of their oath upon the said interrogatories, and every part and parcel of them. 1. That all and singular the said witnesses in virtue of their oath be examined generally and specially of all and singular interrogatories, commonly used and accustomed to be made in such matters, especially touching their age, their condition, their dwelling place, now and heretofore, by the space of these twelve years last past, with whom all this time they have also dwelled, and been familiar or conversant, with the names and the places and persons and other circumstances expedient in this behalf, and by whom they have been found and maintained, and for what purpose. *Et interrogentur conjunctim, divisim, & de quolibet.* 2. Item, Touching the pretended articles made in this behalf, and injunctions mentioned in the same, that they and every of them, in virtue of the said oath, may be examined whether they know their said articles and injunctions to be true in all parts, how they know them to be true, by whom, when, and in what place deposing the formal words of the said pretended articles and injunctions in especial as they are deduced. The first article. And therein let them depose how he or they know the said articles and injunctions to be received from the king's majesty, how also he or they knew that I the said bishop received the said injunctions at the hands of the Lord Protector's grace. How also they were sitting in the council chamber; Moreover which were the rest of the council then sitting, specifying their names and surnames, or titles. Also whether the 10th of August this present year, or the last year, moreover whether the articles or injunctions were joined together, or apart, whether the tenour thereof and the form and manner of the doing and following, touching me the said bishop and also touching the preaching thereunto, was as is deduced in the first article, declaring moreover, when, where, and how, I the said bishop accepted the said injunctions, or promised to observe and follow the same, and by what express words, *& interrog. ut supra.*—3. Item, whether the said witnesses or any of them were present at my last sermon made at Paul's Cross, where they then stood, by whom, when they came to it, and at what part of the said sermon, how long they tarried thereat, at what part thereof or in all they were offended, what were the formal words, or at the least wise in substance, that said I the bishop then uttered or wherewith they were offended, and by what occasion, and who with him or them did hear it, and in what place their contests did stand, how long they tarried, and at what part they came thither or departed thence, *& interrog. ut*

supra—4. Item, whether the said witness or any of them were desired or required by any person or persons, to be witness in this matter, and by whom, when, where and how the same was done, and in whose presence, *& interrog. ut supra.*—5. Item, whether they or any of them had consulted with other to come unto my sermon, for what purpose, by whom they were induced and moved, and how they agreed, and what they did after my said sermon for the impugnation or depraving thereof, *& interrog. ut supra.*—6. Item, whether they or any of them have been or be conversant or familiar with any that hath been known, noted, or reputed for a sacramentary, in denying the verity of Christ's true and corporal presence in the sacrament of the altar, and whether he and they detest and abhor and abstain from the company of all such persons as be known, noted, or suspected for sacramentaries in that behalf, and what opinion he and they have with their contests touching the said presence, *& interrog. ut supra.*—7. Item, whether they or any of them have wished me the said bishop to be deprived or put in prison, and whether they or any of them have reported and said that I shall be deprived or imprisoned, rejoicing thereof, and for what cause they have so wished or reported, or any of their contests, *& interrog. ut supra.*—8. Item, whether they or any of them have been in times past a frier, preacher, Minorite, Augustine, or Carmelite, monk, canon-observant, or religious person, professing solemnly poverty, chastity, and obedience, according to the laws, customs, or ordinances of this realm, then used and observed, *& interrog. ut supra.*—9. Item, whether they or any of them, being so professed; have been or be since that time married to any person having, likewise or otherwise, been professed or loose, or been a widow, and how oft they have been married, and whether any of their wives be yet alive, *& interrog. ut supra.* 10. Item, whether they or any of them have read the commission in this matter, and whether they or any of them do know or think, that the commission, injunctions, articles, and denunciation do agree together or no, and wherein they think or know discrepances, or diversities to be between them in this behalf, *& interrog. ut supra.*—11. Item, if they, or any of them do depose, that I have not sincerely and wholly declared as is contained in the second article, let him and every of them be examined, in virtue of their oath, how they do know it, and by what means, declaring whom they think to have knowledge therein with them, *& interrog. ut supra.*—12. Item, if they or any of them do depose that I have transgressed and offended in the fourth article beginning thus, Item, that ye have not declared, &c. Let them and every of them be examined, in virtue of their oath, whether they know that these words following, as mattins, masses, now said after that sort in this realm, were and be put in the injunction pretended to be ministered unto me the said bishop or no, *& interrog. ut supra.*—13. Item, if they or any of them do depose that I have transgressed and offended touching the fifth article, let them and every of them be examined, in virtue of their oath, whether the injunctions pretended in this behalf were signed with the king's usual signet, or rather at all, whether it was sealed with any seal, whether it was subscribed by the lord protector's grace, or any of the privy council, whether it was in full council sitting delivered unto me by the lord protector, whether it was delivered to me, the rest of the king's majesty's privy council there then sitting, whether the said days as is contained in the fifth article, by whom it was written, when, and where, *& interrog. ut supra.*—14. Item, if they or any of them do depose that I do defend the opinion of the rebels, let them be examined, and every of them, what rebels they be, what is their opinion, and how the law of this realm doth determine therein, declaring by what words and facts I the said bishop did speak and do, and at what time and place, and in whose presence such words or acts were spoken or done, *& interrog. ut supra.*—15. Item, if they or any of them do depose that I know or have heard say credibly that, since the time of the said pretended injunctions, certain persons within my diocese have heard, been at, or celebrate mass or even-song in the Latin tongue, and after the old rite and manner, other than according to the king's majesty's book, let them and every of them be examined, in virtue of his said oath, how they know that I so know or have heard say, and of the name or names of the party or parties, and of the time and place when, and where it was, and whether any denunciation or detection were, according to the statutes and ordinances of this realm, made unto me or no, *& interrog. ut supra.*—16. Item, if they or any of them do say, that I know or have heard say of such notable adulterers and offences mentioned in the 9th article, let them and every of them be examined, in virtue of his and their oath, what they do know that I do know, or have heard say, and who be the persons, where they dwell, who hath denounced or detected them, and how I could and ought to have cited them and punished them in this behalf, *& interrog. ut supra.*—17. Item, whether they or any of them do say that I know certainly now, what Dr. Cox declared in his sermon at Paul's cross, as is deduced in the 10th article, let them be enquired and every of them, in virtue of their oath, how they can prove it, by whom, and after what sort, *& interrog. ut supra.*—18. Item, if they or any of them do say, That I do know or hear certainly of the diversity of the rites of the common service of the church, now set forth, and of the ministers and parsons transgressing therein, let them and every of them in virtue of their oath, be examined whether there hath been any detection or denunciation made to me thereupon, and how they know or can prove that I have been culpable and negligent herein, *& interrog. ut supra.*—19. Item, whether they or any of them have been spoken unto or solicited herein to testify, and after what sort, by whom, when,

and where, and what was their conference and communication therein, *& interrog. ut supra.*—20. Item, that they and every of them declare and shew the true and sufficient cause of their testimony, in all and singular the premises."

After this the Judges delegate assigned the Bishop to appear again before them upon Wednesday then next ensuing, between the hours of seven and eight of the clock before noon, in the hall of the archbishop's manor of Lambeth, there to shew the cause why he should not be declared, *pro confesso*, upon all the articles whereunto he had not then fully answered, and to see further process done in the matter; and so (he still protesting of the nullity and invalidity of all their proceedings) they did for that present depart.—In this meanwhile the commissioners certified the king's majesty and his council, of the bishop's demeanour towards them, and what objections he had made against their proceedings, making doubts and ambiguities whether, by the tenor of his majesty's commission, the commissioners might proceed not only at the denunciation, but also at their mere office; and also whether they might as well determine or hear the cause. Whereupon his majesty by advice aforesaid, for the better understanding thereof, did the 17th of September send unto the commissioners a full and perfect Declaration and Interpretation of his will and pleasure in the foresaid commission, giving them hereby full authority to proceed at their own discretions, as appeareth more at large by the tenor thereof ensuing:

A certain Declaration or Interpretation of the King, touching certain points and doubts in his former Commission, with licence given to the Commissioners as well to determine as to hear, in the case of Bonner.

"Edward 6, by the grace of God, king of England, France, and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth the supreme head; to the most reverend father in God, Thomas abp. of Canterbury, metropolitan and primate of England, the right rev. father in God Nicolas bp. of Rochester our trusty and right well-beloved counsellors, sir Wm. Peter and sir Tho. Smith knights, our two principal secretaries, and Wm. May doctor of law civil and dean of Paul's, greeting. Where we of late, by the advice of our most entirely beloved uncle Edward duke of Somerset, governor of our person, and protector of our realms, dominions, and subjects and the rest of our privy council, have addressed unto you, five, four or three of you, our letter's patents of commission bearing date at Westminster the 8th of Sept. in the 3rd year of our reign, willing you by force thereof to hear the matters and cause of contempt therein expressed, and calling before you as well the denouncers thereof, as also the right rev. father in God Edmund bp. of London, against whom such Denunciation is made, as in our said Letters of Commission more at large doth appear, we be now credibly informed, that upon the said commission divers doubts and ambiguities have and may arise.—As whether you by the tenor of the said commission may proceed not only at the denunciation, but also of mere office. And also whether ye may as well determine as hear the said cause. For further declaration whereof we do now interpret and declare, that our full mind and pleasure, by the advice aforesaid, was by our commission, and now is, that you should proceed as well by mere office, as also by the way of denunciation, and either of them, or by any other ways or means at your discretions, whereby the truth and merits of the cause may be most speedily and best known, and that ye might and may as well finally determine as hear the said matters; in all your orders and doings, cutting away all vain and superfluous delays, and having respect to the only truth of the matter. And this our declaration we send unto you of our sure knowledge and mere motion, by the advice aforesaid, supplying all default, ceremony, and point of the law, which hath, shall, or may arise of your doings by reason of any default of words in our said former commission or any part thereof, any law, statute, or act to the contrary notwithstanding. And therefore we will and command you to proceed in the said matters accordingly, as well to our foresaid commission as this our declaration, and to fail ye not. In witness whereof we have made these our letters patents. At Hampton Court the 17th day of September."

The fourth Session against Bonner, Bishop of London, before the King's Commissioners, in the great hall at Lambeth, the 8th of Sept.

After this Declaration being sent down and received from the king, the bp. of London, (according to the commissioners assignment the Monday before) appeared again before them upon Wednesday the 8th of Sept. in the great hall at Lambeth. Where under his wonted protestation, first he declared, that although he had already sufficiently answered all things, yet further to satisfy the term assigned unto him, to shew cause why he ought not to be declared, *pro confesso*, upon the articles theretofore ministered against him, and to the which he had not fully answered, he had then a matter in writing to exhibit unto them, why he ought not so to be declared, which he read there openly. Wherein first under his accustomed unreverent terms of pretended, unjust, and unlawful process and assignation, he said he was not bound by the law (for good and reasonable causes) to obey the same, especially their assignation.—And first, for that the same was only pronounced by sir Tho. Smith, one of the pretended commissioners, without the consent of his pretended colleagues; or at the least he as a commissioner did prescribe the actuary what to write, which he ought not to have done, because by law he ought not to have intermeddled therein, for that his colleagues did the first day begin to sit as judges against

him the bishop, without the presence of the said sir Tho. Smith.—And secondly, because his Answers, as well unto the pretended denunciation, as also to all the articles theretofore objected against him, were as full and sufficient, as the law required (or at leastwise there was nothing good in law apparent to the contrary) and therefore he was not enforced by law further to answer thereunto without further allegation.—And because also that all their proceedings thereto were so extraordinarily done, that they had confounded all manner of lawful process, sometimes proceeding *ad denunciandum*, sometimes *ex officio mero*, and sometimes *ex officio mixto*, contrary unto the king's ecclesiastical laws, and contrary also unto their commission in that behalf.—And likewise because divers of the articles pretended were superfluous and impertinent, not revealing though they were proved, containing in them untruth and falsity, some obscure and uncertain, some depending upon other articles either denied or at the least qualified, some captious and deceitful to bring the answerer into a snare, and some also being articles of the law, in such sort as by the ecclesiastical laws of this realm the king's subjects were not bound to make answer thereunto.—And lastly, because that sir Tho. Smith, secretary to the king's majesty, when that the bishop was last with the council in the council chamber at White Hall, after the departure of the lord protector and the rest of the council, did himself alone (without any other) write certain articles, or injunctions (amongst the which was that of the king's authority in his minority) and afterward did copy the same at the table within the said council chamber, and so himself did deliver them unto him. By reason whereof that is not true, which in the commission, denunciation and articles was deduced and objected against him.

When these fond and frivolous objections were thus read, the archbishop seeing his inordinate and intolerable contempt towards them, charged him very sharply, saying, My lord of London, if I had sitten here only as archbishop of Canterbury, it had been your part to have used yourself more lowly, obediently and reverently towards me than you have; but seeing that I with my colleagues sit here now as delegates from the king's majesty, I must tell you plain, you have behaved yourself too much inordinately. For at every time that we have sitten in commission, you have used such unseemly fashions, without all reverence and obedience, giving taunts and checks as well unto us, with divers of the servants and chaplains, as also unto certain of the ancientest that be here, calling them fools and daws, with such like, as that you have given to the multitude an intolerable example of disobedience. And I insure you my lord, there is you and one other bishop whom I could name, that have used yourselves so contemptuously and disobediently, as the like I think hath not before been heard of or seen, whereby ye have done much harm.

At which words the gross bishop (a beast a man might justly term him) said scornfully to the archbishop, You shew yourself to be a meet judge.

The archbishop then proceeding laid to his charge how indiscretely the last day in the chapel he had called all the people woodcocks.—Whereunto he answered, that the last session Wm. Latimer, one of the denouncers, being there present, had practised with the audience that when he lifted up his hand to them, they should (and did as it were by a token given them) say as he said, and do as he did; as one time upon the lifting up of his hand, they cried, nay, nay; and at another time, yea, yea, and laughed they could not tell whereat, with such like fashions.

Unto which words Latimer, seeing his vain suspicion, replied saying, that he lifted not up his hand at any time but only to cause them to hold their peace.—Then secretary Smith said to the bishop, that in all his writings and answers that he had hitherto laid in, he would not once acknowledge them as the king's commissioners, but used always protestations with divers inkhorne and naughty terms, calling them pretended commissioners, pretended delegates, pretended commission, pretended articles, pretended proceedings, so that all things were 'pretended' with him. Indeed (said he) such terms the proctors of churches use, to delay matters for their clients, when they will not have the truth known: but you my lord to use us the king's majesty's commissioners with such terms, you do therein very lewdly and naughtily. And I pray you what other thing did the rebels?—For when letters or pardons were brought them from the king and his council, they would not credit them, but said they were none of the king's or his council's, but gentlemen's doings, and made under a bush, with such like terms. But now my lord, because hitherto we cannot make you confess whether, in your Sermon that you preached, ye omitted the article touching the king's majesty's authority in his tender age or not, but still have said that ye will not otherwise answer than ye have done, and that ye have already sufficiently answered (with many such delays) so as we can by no means induce you to confess plainly what you did, yea or nay; therefore I say, to the intent we may come to the truth, we have dilated the matter more at large, and have drawn out other articles whereunto you shall be sworn, and then I trust you will dally with us no more as you have done. For although ye make your answers in writing, yet you shall be examined by us and make your answers by mouth to the same articles, or else you shall do worse. Indeed I do not, (as I said) discommend your protestations and terms of law, if it were in a young proctor that would help his client's cause; but in you it may not be suffered so to use the king's commissioners.

Then did the delegates minister unto him certain new articles and injunctions, and did there onerate him with a corporal oath in form

of law to make a full and true answer thereunto. The bishop notwithstanding still (according to his wonted manner) under his former protestation protested of the nullity and invalidity of these articles, injunctions, and process, desiring also a copy thereof, with a competent time to answer thereunto. To whom the judges decreed a copy, commanding him to come to his examination to the archbishop the next day at 8 o'clock before noon. —Then the commissioners did receive for witness, upon these new articles now ministered unto the bishop, sir John Mason, sir Thomas Chalenor, knts. master Wm. Cicil, Armigel Wade, and Wm. Hunnings, clerks to the king's majesty's council, whom they onerated with a corporal oath in the presence of the bishop, who still protesting of the nullity of their receiving and swearing, objected against them and their sayings; and therewith, repeating his interrogatories already ministered, said he had more to minister by to-morrow at 8 o'clock.— The same day and time likewise the bishop exhibited unto the commissioners an information, or rather cavillation against Wm. Latimer, for that he, notwithstanding that he had in all his talk pretended the great tranquillity of this realm, which was greatly impeached and hindered when that any of the king's subjects should think that his majesty hath not as full power and authority royal in his minority, as when his majesty came to perfect age, or should think that his subjects were not bound to obey the same, yet hath of late there in open audience reported, that he hath heard with his ears divers persons unreverently speak of the king's majesty, saying, Tush, the king is but a babe or child, what laws can he make? or what can he do in his minority? Let him have a toast and butter, or bread and milk, and that is more meeter for him than to make laws and statutes, or to bind us to obey them; we are not bound to obey till he be past his minority, and come to his full and perfect age: with the hearing of which words the bishop also charged the commissioners, and that because Latimer, at the recital of the same in their presence, was neither by them controlled, nor yet caused to bring forth the same persons, but was let pass in silence, saving that he the said bishop did speak against him in that behalf, saying, That he would detect him, because that, as it appeared, he had of long time concealed the words and not opened the same in such place and to such persons as he ought to have done, but had kept the persons and sayings of them secret, either not taking the matter to be of such importance as he pretended, or else thereby unfaithfully behaving himself towards his prince, and therefore was worthy with his aiders, favourers, and counsellors to be punished.

These vain cavillations ended, the commissioners for that day finished their session, assigning the bishop to appear in that same place again upon Monday then next following, between the hours of six and nine, in the forenoon, then and there to shew a final cause why he should not be declared *pro confesso*. And so delivering him a copy of the Articles, they departed; the contents whereof ensue:

Articles and Positions given by the King's Commissioners to the Bishop of London, to be answered by him jointly and severally in every point the second time.

"1. That ye were sent for to the lord protector's grace, and the rest of the council, and came thither into the court at Westminster the tenth of August, or some other day of the same month. 2. That at the same time the lord protector and divers other of the king's majesty's privy council sitting in council, ye were called in, and there the said lord protector did on the king's majesty's behalf declare unto you divers faults and abuses the which were found in you, and gave you straight charge to amend them, adding threatening that else you should be otherwise looked unto. 3. That the said lord protector's grace did declare unto you, for better admonition and amendment of you, that you should have from the king's majesty, by his advice and the rest of the privy council, certain articles and injunctions, to observe and follow, given you in writing. 4. That there and then the said lord protector commanded sir Thomas Smith knight, secretary to the king's majesty, to read a certain proper book of injunctions and articles unto you, the said secretary standing at the council table's end, and you standing by and hearing the same. 5. That the said lord protector there and then willed certain things in the said book of injunctions to be reformed, as where ye were appointed to preach sooner, at your request it was appointed unto you to preach the Sunday three weeks after the date of the said writing. 6. That in the said articles the lord protector's grace found fault, because an article or commandment unto you set forth and declared of the king's majesty's authority now in his young age and of his laws and statutes in the same time, was omitted, and therefore either immediately before you came into the council chamber, or you being present and standing by, commanded the said secretary Smith to put in writing and annex it to the rest of the articles. 7. That the said secretary Smith, then and there did, immediately upon commandment, write into the said book or paper, wherein the rest of the articles were written, the said article; videlicet, You shall also set forth in your sermon, that the authority of our royal power is (as the truth it is) of no less authority and force in this our young age, then was of any of our predecessors, though the same were much elder, as may appear by example of Josias and other young kings in the scripture, and therefore all our subjects to be no less bound to the obedience of our precepts, laws, and statutes, than if we were of thirty or forty years of age. 8. That the lord protector did so deliver you the book or paper, willing first the said secretary Smith to amend all things as he had ap-

pointed. 9. That ye then and there did promise to the lord protector's grace, that ye would observe and fulfil all in the said injunctions and articles contained. 10. That all things in the said book, put in and mentioned by the said secretary Smith, and the same so read to you by him, and you first agreeing that all that was by him so written was by the lord protector's appointment, the said book was so delivered unto you then and there by the said secretary Smith in the council chamber. 11. That you have the said book in your possession, or else know where it is, the true copy whereof in effect is annexed to these articles. 12. That ye were commanded in the same injunctions to preach the Sunday three weeks after the delivery thereof at Paul's, and there to intreat upon certain articles, as is specified in the said book of injunctions, and especially in the said article beginning, Ye shall also set forth, and ending, thirty or forty years of age. 13. That for the accomplishment of part of the said injunctions and commandment, you did preach the first day of September last past at Paul's Cross. 14. That at the said sermon, contrary to your injunctions, ye omitted and left out the said article beginning, Ye shall also set forth in your sermon, &c. and ending, thirty or forty years of age. 15. Ye shall also answer whether ye think and believe that the king's majesty's subjects be bound to obey as well the laws, statutes, proclamations, and other ordinances made now in this young age of the king's majesty, as the laws, statutes, proclamations, and ordinances made by his highness's progenitors."

These Articles being thus ministered to the said bishop of London, the next day being Thursday and the 19th of Sept. the forenamed commissioners sat in the archbishop's chamber of presence at Lambeth, attending the coming of the bishop of London. Before whom there appeared Robert Johnson the bishop's register, and there did declare unto the commissioners that the bishop his master could not at that time personally appear before them without great danger of his bodily health, because that he feared to fall into a fever by reason of a cold that he had taken by too much overwatching himself the last night before, whereby he was compelled to keep his bed: nevertheless, if he could without danger of his bodily health he would appear before them the same day at afternoon. This excuse the judges were content to take in good part. Yet said master secretary Smith, That if he were sick indeed, the excuse was reasonable and to be allowed, but (quoth he) I promise you, my lord hath so dallied with us, and used hitherto such delays, that we may mistrust that this is but a feigned excuse: howbeit upon your faithful declaration we are content to tarry until one of the clock at afternoon, and so they did, willing Mr. Johnson to signify then unto them whether the bishop could appear or not.

At which hour Robert Johnson and Richard Rogers gentlemen of the bishop's chamber appeared again before the commissioners, declaring that, for the causes afore alledged, their master could not appear at that time neither. Whereupon master secretary Smith said unto them, My lord of London your master hath used us very homely, and sought delays hitherto, and now perhaps, perceiving these last articles to touch the quick, and therefore loth to come to his answer, he feigneth himself sick. But because he shall not so deceive us any more, we will send the knight marshal unto him, willing him if he be sick indeed to let him alone, for that is a reasonable excuse; but if he be not sick, then to bring him forthwith to us; for I promise you he shall not use us as he hath done, we will not take it at his hands: and therefore master Johnson, said he, you do the part of a trusty servant as becometh you, but it is also your part to shew my lord his stubborn heart and disobedience, which doth him more harm than he is aware of. What, thinketh he to stand with a king in his own realm: Is this the part of a subject? Nay, I ween we shall have a new Thomas Becket. Let him take heed, for if he play these parts he may fortune to be made shorter by the head. He may appeal if he think good; but whether? To the bishop of Rome? So he may help himself forwards. I say he cannot appeal but to the same king who hath made us his judges, and to the bench of his council, and how they will take this matter when they hear of it, I doubt not. He would make men believe that he were called before us for preaching his opinion of the sacrament, wherein I assure you he did both falsely and naughtily, yea and lewdly, and more than became him, and more than he had in commandment to do, for he was not willed to speak of that matter, and perhaps he may hear more of that hereafter; but yet we will lay no such thing to his charge, and therefore we will not have him to delay us as he doth. Which ended, the delegates notwithstanding decreed to tarry again for him until two of the clock at afternoon the next day, being Friday, and the 20th of September.

The fifth Action or Process the 20th of September, against Bonner Bishop of London, before the King's Commissioners.

At which day and time the bishop appeared himself personally before them in the same chamber of presence; where first he did exhibit his Answers unto the last articles ministered unto him the 18th of September, the contents whereof hereunder follow.

The Answer of the said Bishop of London made unto the Articles ministered unto him the second time.

"The Answers of me Edmund bishop of London, under mine accustomed protestation given unto the articles of late ministered and exhibited against me here in this court, with special protestation also, that I do not intend in any wise to make answer to any of the said articles, otherwise than the law of this realm doth bind me to do, nor to speak or say con-

trary to any thing that in my former answers I have said or done; and that if it so chance me to do, it is not nor shall not be with my good will or full consent, and that so soon as I shall perceive it, I intend to revoke it, and so now as then, and then as now, do so in that case revoke, to all honest and lawful purposes.—To the first article I do answer and say, that there was a messenger, whose name I know not, that came unto me to Fulham, as I now remember, but I do not remember the day thereof, and he said that my lord protector's grace required me to come by and by to speak with him. And thereupon, having made the said messenger to break his fast, I repaired to the court at Westminster, but not upon the tenth day of August, but some other day of the said month.—To the second I do say, that it is obscure, uncertain, and over general, especially in those words at the same time, which may be referred to the tenth of August, and then answer already is made thereunto, and it may be referred to some other day of the said month of August, either before the tenth of August, or after. And because it remaineth undeclared, I am not bound in law to answer unto it, neither yet to these words and sentences in the said article, to wit, Then, and there, for they without declaration are uncertain, obscure, and general, and I, before the specification and declaration thereof, not bound herein to make an answer, specially having already made full and sufficient answer in this matter, according to the commission, as I do take it, and according unto the law; which also willeth, that if a certain answer be looked for, the position and article must before be certain.—To the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, and 14th articles, he answereth all after one manner and sort, as thus, that it doth depend of the former articles, to which for causes aforesaid, he saith, he is not bound in law to make answer, especially having already made.—Saving that in the 6th, he addeth thereunto, that he at no time heard the lord protector find fault, nor commanded as is deduced in the said article, so far as he doth find. Also saving the 7th article, where he addeth nevertheless confessing and acknowledging, with heart and mouth, the king's majesty's authority and regal power and minority, as well and full as in his majority. Also saving the 8th, 9th, 10th, and 11th articles, where he addeth, as they be deduced they are not true, as appeareth in conferring one with another.—To the 12th and 14th articles, he addeth as they be deduced they are not true; confessing nevertheless the king's majesty's authority and power regal, as before is expressed.—To the 15th article he answereth and saith, That it is a position in law, and that yet both now and heretofore he hath made answer thereunto in effect and substance, as appeareth in his former answers, and so shall do always according to the law and his bounden duty, acknowledging, as he hath already done, the king's majesty's regal power in his minority to be no less than in his majority, and the subjects bound to obey unto his grace, his laws, statutes, and ordinances, and his said authority, as well in his minority as in his majority, not allowing, but expressly condemning the opinion of all rebels holding the contrary."

After this, perceiving that master secretary Smith was somewhat more quick with him than others of the commissioners, and that he would not suffer him any longer to dally out the matter with his vain quiddities and subtilties in law, but ever earnestly urged him to go directly to his matter, and therewithal sometimes sharply rebuking him for his evil and stubborn behaviour towards them; he to deface his authority, as he thought, did also then exhibit in writing a Recusation of the secretary's Judgment against him. The form and manner whereof, as he exhibited it unto the judges, I thought here also to exhibit unto the reader as hereunder followeth:

The Recusation of the Judgment of Sir Thomas Smith, made by the Bishop of London, the first time.

"In the name of God, Amen. Forsomuch as equity, natural reason, and all good laws do require that judges shall be of that integrity, wisdom, circumspection, learning, and indifference, that exercising the office and room of a judge, they may and shall do it without hatred, malice, or grudge against any person convented or called before them, uprightly, sincerely, and duely executing and doing their office unto them in any wise committed; and forsomuch also as all judgments and process ought to have their due course, and proceed without suspicion or corruption in any wise, and finally forsomuch as very dangerous it is to appear and make defence before an incompetent judge, who commonly and accustomably of private and unlawful corrupt affection to the one side, and for malice, hatred and envy born against the other side, rather serveth his carnal, corrupt, and wilful appetite, than any thing else is moved to obedience and keeping of good order, law, or reason, touching him that is convented and compelled to make answer against his will: I therefore Edmund bishop of London, having perceived and felt by all the sayings, proceedings and doings of you sir Thomas Smith, knight, one of the two principal secretaries to the king's majesty, in this matter attempted and moved against me, that ye have been, and yet continually are a notorious and manifest enemy of me the said Edmund, and much offended that I should in any wise alledge and say, or use any such things for my most defence, as the law giveth me licence and liberty to do, yea, hearing most favourably and effectually my denouncers and enemies with both ears in any thing that they shall alledge, purpose, attempt, or do against me, though their persons in law are not in any wise to be heard or admitted, nor yet their sayings true, and not hearing me so much as with one ear in my lawful sayings and doings in this behalf,

but contrariwise opening your mouth at large, ye have sundry times against good wisdom and reason outraged in words and deeds against me the said Edmund, saying among other words, that I did as thieves, murderers, and traitors are wont to do, being myself as ye untruly did say, inward indeed culpable, and yet outward otherwise unable to defend the matter against me, but only by taking exceptions, and making frivolous allegations against my judges and commissioners, and that I have been and am as sturdy, wilful, and disobedient, as may be in your judgment and opinion, maintaining and upholding the rebels and their opinions, and that I shall answer by mouth, or else smart and do worse, or else ye will send me to the Tower, there to sit and be joined with Ket and Humphrey Arundel the rebels; over and besides divers other threatenings and comminatory words by you pronounced and uttered unseemly, and far unmeet to proceed out of the mouth of you that are in such room and place as ye be in.—And moreover, increasing your malice, evil will and grudge born against me, ye have amongst other things untruly surmised, written, alledged, and said, that a certain book of articles and injunctions by the lord protector's grace in the full council after a certain prescribed fashion and form in the denunciation, commission, and articles, which, *de facto* were induced, brought in and objected against me, was delivered unto me; and moreover of an evil will and ungodly intent and purpose, contrary to the truth, ye have withdrawn, added, altered, and qualified divers things in the same, otherwise than they were spoken and done, and yet ye are not ashamed to alledge, write, and say, that all is true, and one consonant and agreeable in all points with the other, where indeed it is not so: and yet have further *(de facto)* against the law, and against the commission to you directed, and against my just and lawful allegations and sayings, proceeded unlawfully and unjustly against me, attempting many things against me unlawfully and unjustly, as appeareth in the acts of this matter, to the which I do refer me so far forth as they make for me, and be expedient by me, and for me to be alledged, and referred unto yourself also unlawfully and unjustly *(de facto)* with your colleagues, the which without you had begun the said matters, proceeding where by the law ye so ought not to have done indeed, but abstained therefrom, as heretofore sundry times I have alledged, appearing in the acts of this court; do upon these just and reasonable causes, according to the order of the king's majesty's ecclesiastical laws, refuse, decline, and recuse you the said sir Thomas Smith, as an uncompetent, unmeet, and suspect judge, against me in this behalf, and decline your pretended jurisdiction in this matter for-causes aforesaid, desiring nothing but justice, and offering myself prompt and ready to prove them as far as I am bound, and according to the order of the king's maj.'s ecclesiastical laws of this realm in this behalf, as time, place, and otherwise shall require."

This Recusation ended, the secretary told him plain, that notwithstanding he would proceed in his commission, and would be still his Judge until he were otherwise inhibited; and said unto him further, My lord, whereas you say in your recusation that I said, that you did like thieves, murderers, and traitors, indeed I said it, and may and will so say again, since we perceive it by your doings.—Whereunto the bishop in a great and stout rage replied, saying, Well, sir, because you sit here by virtue of the king's commission, and for that ye be secretary to his majesty, and also one of his highness's council, I must and do honour and reverence you; but as you be but sir Thomas Smith, and say as ye have said, that I do like thieves, murderers, and traitors, I say ye lie upon me, and in that case I defy you, and do what ye can to me, I fear you not, and therefore, *quod facis, fac citius.*—Whereat the archbishop with the other commissioners said unto him, that for such his unreverent behaviour he was worthy imprisonment.—Then the bishop, in more mad fury than before, said again unto him, A God's name ye may do *de facto*, send me whither you will, and I must obey you, and so will, except ye send me to the devil, for thither I will not go for you. Three things I have (to wit) a small portion of goods, a poor carcass, and mine own soul: the two first ye may take, though unjustly, to you, but as for my soul ye get not, *Quia anima mea in manibus meis semper.*—Well, said the secretary, then ye shall know that there is a king. Yea, sir, saith the bishop, but that is not you, neither, I am sure, will you take it upon you.—No, sir, said again the secretary, but we will make you know who it is; and with that the commissioners commanded the bishop and all the rest to depart the chamber, until they called for him again.

Now in the meanwhile that the commissioners were in consultation, the bishop with Gilbert Bourne his chaplain, Robert Warnington his commissary, and Robert Johnson his register, were tarrying in a quadrant void place, before the door of the same chamber. Where the bishop leaning on a cupboard, and seeing his chaplains very sad, said unto them in effect as followeth: Sirs, what mean you? why shew you yourselves to be sad and heavy in mind, as appeareth to me by your outward gestures and countenances? I would wish you, and I require you to be as merry as I am, (laying therewith his hand upon his breast) for afore God I am not sad nor heavy, but merry and of good comfort, and am right glad and joyful of this my trouble, which is for God's cause, and it grieveth me nothing at all.

But the great matter that grieveth me and pierceth my heart, is, for that this Hooper and such other vile heretics and beasts be suffered and licensed to preach at Paul's cross, and in other places within my diocese and cure, most detestably preaching and railing at the blessed sacrament of the altar, and denying the verity and presence of Christ his true body and blood to be there, and so infect and betray my flock.

But I say it is there in very deed, and in that opinion I will live and die, and am ready to suffer death for the same. Wherefore, ye being Christian men, I do require you and also charge and command you in the name of God, and on his behalf, as ye will answer him for the contrary, that ye go to the mayor of London, and to his brethren the aldermen, praying and also requiring them earnestly in God's name and mine, and for mine own discharge on that behalf, that from henceforth, when any such detestable and abominable preachers (and especially those which hold opinion against the blessed sacrament of the altar) do come to preach unto them, they forthwith depart out of their presence, and do not hear them, lest that they tarrying with such preachers, should not only hurt themselves in receiving their poisoned doctrine, but also give a visage to the encouragement of others, which thereby might take an occasion to think and believe that their erroneous and damuable doctrine is true and good: and this eftsoons I require and command you to do.—And then turning himself about, and beholding two of the archbishop's gentlemen, which in the same place kept the chamber door where the commissioners were in consultation, and perceiving that they had heard all his talk, he spake unto them also and said, And sirs, ye be my lord of Canterbury's gentlemen, I know ye very well; and therefore I also require and charge you in God's behalf, and in his name, that ye do the like for your parts in places where you shall chance to see and hear such corrupt and erroneous preachers, and also advertise my lord your master of the same, and of these my sayings that I have now spoken here before you, as ye are Christian men, and shall answer before God for the contrary.

With this the commissioners called for the bishop again, who did read unto them an instrument, containing a provocation to the king, which he made in manner and form here following:

The first Appellation intimated by Edmund Bonner Bishop of London.

"In the name of God, Amen. It shall appear to all men by this public instrument that An. Dom. 1549, the 20th day of September, the 3rd year of the reign of our most high and renowned prince Edward the 6th, by the grace of God king of England, France, and Ireland, defender of the faith, and in earth the supreme head of the Church of England and Ireland, in a chamber within the palace of the said bishop, situated in London, and in the presence of me the public notary, and of the witnesses hereafter named, the foresaid bishop did personally appear, and there did shew forth in writing a certain protestation and appellation, the tenor whereof ensueth:

'In the name of God, Amen. I Edmund Bishop of London, say, alledge, and propound before you, being a public notary, and these credible witnesses here present, that although I the foresaid Edmund have attained the bishopric aforesaid by the benevolence of the famous prince of memory king Henry the 8th, and was lawfully elected and translated to the same, with his rights and appurtenances, have of a long time possessed peaceably and quietly the same, and presently do possess, being taken as bishop and lawful possessor of the said bishopric, and am lawfully called, taken, and reputed notoriously and publicly; and moreover do keep residence and hospitality on the same, according to the order, state, person, and dignity, and as the revenues of the same would permit, and have exercised and done all things appertaining to my pastoral office, as the laws do require, as hereafter I trust by God's grace to do and observe, a man of good name and fame, neither suspended, excommunicated, nor interdicted, neither convict of any notable crime or fact, always obeying readily the commandment of the Church, and other my superiors in all lawful causes, nevertheless fearing upon certain probable causes, likely conjectures, threatenings, and assertions of certain injurious men my enemies, or at the least, such as little favour me, that great damage may come to me hereafter about the premises or part of them; and lest any man by any authority, commandment, denunciation, inquisition, office, or at the request of any person or persons, may attempt prejudice or hurt to me or my said dignity, either by my excommunication, interdiction, sequestration, spoiling, vexing, and perturbing by any manner of means; do appeal unto the most high and mighty prince our sovereign lord Edward the 6th by the grace of God, king of England, France, &c. and in these my writings do provoke and appeal to his regal majesty. I do also require the apostles, so much as in this case they are to be required, the first, second, and third time, earnestly, more earnestly, and most earnestly of all, that there may be given to me the protection, tuition, and defence of my foresaid most dread sovereign lord, for the safeguard of me, my dignity and title, and possession in the premises, and to all that will cleave to me in this behalf. I do also protest, that I will be contented to correct, reform, and amend this my present protestation, and to the same to add, to take away, and to bring the same into the best form and state that may be devised, by the counsel of learned men, or as the case shall require, and the same to intimate according to time and place, and the order of the law, and still shall require.'

"Upon all the which things the foresaid Edmund bishop of London did require the public notary hereunto written to make unto him, and the witnesses hereafter named, one, two, or more copies of this Protestation. These things were done the year, day and time above written, there being present Gilbert Bourne bachelor of divinity, John Harpsfield and Robert Colen, masters of art, John Wakeling and Richard Rogers learned men, being of the diocese of Worcester, Westminster, Coventry, Litchfield, and Gloucester, and specially requested to be witnesses of the same. And I

Francis Harward of the diocese of Worcester and public notary by the king's regal authority, forsomuch as I was present when the foresaid protestation, appellation, and other the premises were done, the year of our Lord, the year of the reign of the king, the day of the month and place aforesaid, the witnesses above named being present, and forsomuch as I did inact the same, therefore to this present public instrument, written faithfully with mine own hand, I have put to my mark, being specially requested unto the same."

Which thing after he had read, he did under his protestation first intimate unto the archbishop, the bishop of Rochester, and doctor May, and then protesting also not to recede from his recusation, did likewise intimate the same unto master secretary Smith, requiring the register to make an instrument as well thereupon, as also upon his recusation, with witness to testify the same.—Then the delegates did again proceed to the examination of the last Answers, and finding the same imperfect, they demanded of him (according to the first article) what special day of August he was sent for by the lord protector: to whom he obstinately answered; that he was not bound to make other answer than he had already made, unless they did put their articles more certain: neither would he otherwise answer as long as Mr. secretary Smith was there present, whom he had before recused, and therefore would not recede from his recusation.—The secretary, seeing him so wilful and perverse, said sharply unto him, My lord, come off and make a full and perfect answer unto these articles, or else we will take other order with you to your pain.—In faith, sir, then said the bishop again, I thought ye had been learned, but now before God I perceive well that either ye be not learned indeed, or else ye have forgotten it: for I have so often answered lawfully and sufficiently, and have so oft shewed causes sufficient and reasonable, why thereunto I ought not by law to be compelled (you shewing nothing to the contrary but sensuality and will) that I must needs judge that you are too ignorant herein. Well, said Mr. Secretary, ye will not then otherwise answer? No, said the bishop, except the law do compel me. Then said the secretary, call for the knight marshal, that he may be had to ward.

With that all the rest of the commissioners charged the bishop, that he had at that time sundry ways very outragiously and irreverently behaved himself towards them sitting on the king's majesty's commission, and especially towards sir Thomas Smith his grace's secretary, and therefore, and for divers other contumelious words which he had spoken, they declared they would commit him to the Marshalsea.—By this time the marshal's deputy came before them, whom Mr. Secretary commanded to take the bishop as prisoner, and so to keep him that no man might come unto him, for if he did, he should sit by him himself. When the secretary had ended his talk, the bishop said unto him, Well sir, it might have becomed you right well that my lord's grace here present, being first in commission, and your better, should have done it. Then the commissioners assigning him to be brought before them on Monday next before noon, between seven and nine of the clock in the hall of that place, there to make full answer to these articles, or else to shew cause why he should not be declared *pro confesso,* did for that present break up that session.

Now as the bishop was departing with the under marshal, he in a great fury turned himself again toward the commissioners, and said to sir Thomas Smith; Sir, where ye have committed me to prison, ye shall understand, that I will require no favour at your hands, but shall willingly suffer what shall be put unto me, as bolts on my heels, yea, and if ye will, irons about my middle, or where ye will.—Then departing again he yet returned once more, and so foaming out his poison, said unto the archbishop, well, my lord, I am sorry that I being a bishop am thus handled at your grace's hand; but more sorry that ye suffer abominable heretics to practise as they do in London and elsewhere, infecting and disquieting the king's liege people: and therefore I do require you, as you will answer to God and the king, that ye will henceforth abstain thus to do, for if you do not, I will accuse you before God and the king's majesty; answer to it as well as ye can. And so he departed, using many reproachful words against sundry of the common people, which stood and spake to him by the way as he went.

The sixth Action or Process upon Monday the 23rd of September, had against Bonner Bishop of London, before the Commissioners, in the great Hall at Lambeth.

It was assigned as ye have heard in the fourth act prosecuted the 18th of September, that upon Monday then next following, being the 23rd day of the same month, the bishop should again appear before the commissioners, within the great hall at Lambeth, then to shew a final cause why he should not be declared *pro confesso,* upon all the articles whereunto he had not fully answered.—According to which assignment, the same 23rd day of September, the bishop was brought before them by the under-marshal (to whom for his disobedient and obstinate behaviour he was before that time committed) and there did first declare unto them, that his appearance at that time and place was not voluntary, but coacted, for that he was against his will brought thither by the keeper of the Marshalsea, and therewithal also under his former protestation, recusation and appeal, did then again intimate a general recusation of all the commissioners, alledging in the same, that because the archbishop with all his colleagues had neither observed the order of their commission, neither yet proceeded against him after any laudable or good fashion of judgment, but contrarywise had sundry times as well in his absence, as in his presence, attempted many things unlawfully against his person,

dignity and state, especially in committing him to strait prison, and yet commanding him to make answer; and further, because that he with the rest had proceeded in commission with sir Thomas Smith, knight, supporting and maintaining all his evil doings (notwithstanding that he the said bishop had before justly recused and declined from him) he therefore did also there refuse and decline from the judgment of the said archbishop and his colleagues, and did except against their jurisdiction as suspect, and they thereby unmeet persons to proceed against him; therefore, according to his former appeal, he intended to submit himself under the tuition, protection, and defence of the king's majesty; for whose honour and reverence sake (he said) they ought not to proceed any further against him, but quietly suffer him to use the benefit of all the recusations, provocations, and other lawful remedies before alledged, with other superfluous words, at large to be read and seen as followeth:

The second Recusation made by Edmund Bonner Bishop of London.

"In the name of God, Amen. Forasmuch as both natural reason and all good policies of laws, especially of this realm of England, do admit and suffer him that is convented before an uncompetent and suspect judge, to refuse him and to decline his jurisdiction, in as much as law and reason on the one side willeth process to run uprightly and justly, and that on the other side corruption and malice laboureth to the contrary, and needeth therefore to be bridled; and because ye my lord of Canterbury with your colleagues in this behalf (deputed as ye say commissioners against me) neither have observed your said commission, neither yet proceeded hitherto against me after any laudable, lawful, or any good fashion of judgment, but contrariwise, contrary to your commission, and against the law, good reason and order, have at sundry times, and in sundry acts attempted and done many things against me unlawfully, unseemly, and unjustly, and suffer the like to be attempted and done by other, not reforming and amending the same, as appeareth in divers and sundry things remaining in your acts.—And moreover, because you my said lord with your said colleagues, have both in mine absence, being let with just causes of impediment which according to the laws of this realm I have fully alledged, and very sufficiently and justly proved according to the order of the king's ecclesiastical laws, injuriously, and much to the hinderance of my name, person, title, dignity, and state, and also otherwise, specially in my presence, against all laws, good order, and reason, without good cause or ground, attempted and done many things against me, especially touching mine imprisonment, sending me to straight ward, and yet commanding me to make answer, as appeareth in your unlawful acts.—I for these causes, and also for that ye my said lord and your said colleagues proceeding with sir Thomas Smith, knight (whom upon just and lawful causes I have refused, recused and declined) have favoured, yea maintained, supported and borne him, in his unlawful and evil doings, do also refuse, recuse, and decline you my said lord with the rest of your said colleagues agreeing and joining with you, and do except against your proceedings, doings and jurisdiction as suspect, and thereby unmeet persons to proceed herein against me.—And further I do alledge, that having been provoked to the king's most excellent majesty, as appeareth by the tenor of my provocation, remaining in your acts, whereunto I do protest that I intend to adhere and cleave, submitting myself unto the tuition, protection, and defence of his said majesty in this behalf, ye in anywise ought not (if ye regard the person and authority of his grace's royal power, as ye ought to do) proceed herein against me, especially for the honour and reverence ye ought to have unto his majesty in this behalf. And because it appeareth that ye do not duely and circumspectly consider the same, as ye ought to do, but more and more do grieve me; that considered, I both here to all purposes repeat my former recusation, provocation, and all other remedies that heretofore I have used and mentioned in your said acts; And also do by these presents refuse, recuse, and decline you my said lord, and your said colleagues, and your jurisdiction, upon causes aforesaid, offering myself prompt and ready to prove all the same, afore an arbiter and arbiters, according to the tenor and form of the law herein to be chosen requiring you all, for that honour and reverence ye ought to bear to our said sovereign lord, and his laws allowed and approved in this behalf, that ye do not attempt or do, nor yet suffer to be attempted or done, any thing in any wise against me, or unto my prejudice, but suffer me to use and enjoy the benefit of my said former and this recusation, provocation, allegation, and other lawful remedies mentioned in your said acts. And in case ye do *de facto*, where ye ought not *de jure* to attempt or suffer any thing to be attempted or done against me in any wise herein, I protest herewith, and hereby, of my great grief and hurt in that behalf, and that not only I do intend to appeal from you, but also, according to the king's ecclesiastical laws, to accuse and complain upon you, as justly and truly I both may and ought to do."

Notwithstanding these Recusations, and former appellation, the archbishop with the rest told him plain that they would be still his judges, and proceed against him according to the king's commission, until they did receive a *supersedeas*, which if he did obtain, they would gladly obey.—Then the bishop, seeing that they would still proceed against him, did there likewise intimate another Appellation unto the king's majesty, expressing therein in effect no other matter, but such as is already alledged in the two former Recusations and Appeal; saving that he requireth, that letters dimissories or appellatories might be given him according to the law, and that for his better

safeguard he did submit himself under the protection of the king.—The commissioners for all this stuck still unto their commission, and would not in any case defer, but urged him straitly to make a more full answer to his articles than he had done. To whom the bishop said, that he would stand unto his recusations and appellations before made, and would not make other answer. Then the delegates demanded of him what cause he had to alledge, why he ought not to be declared *pro confesso* upon the articles whereunto he had not fully answered, the bishop still answering (as before) that he would adhere unto his appellation and recusation. Whereupon the archbishop, with consent of the rest, seeing his pertinacy pronounced him *contumax*, and in pain thereof declared him *pro confesso*, upon all the Articles which he had not answered. This done, master secretary Smith shewed forth a Letter which the bishop of London had before that time sent unto the lord mayor and the aldermen of the city of London, the tenor whereof ensueth as followeth.

Bonner's Letter to the Lord Mayor and Aldermen of London.

"To the right honourable and my very good lord the lord mayor of London, with all his worshipful brethren, my very dear and worshipful friends, with speed: Right honourable, with my very humble recommendations; where I have perceived of late, and heard with mine ears, what vile beasts and heretics have preached unto you, or rather like themselves prated and railed against the most blessed sacrament of the altar, denying the verity and presence of Christ's true body and blood to be there, giving you and the people liberty to believe what ye list, teaching you detestably, that faith in this behalf must not be coacted, but that every man may believe as he will; by reason whereof, lest my presence and silence might unto some have been seen to have allowed their heretical doctrine, and given credit unto them, betraying my flock of the Catholic sort, ye know I departed yesterday from the heretic prater's uncharitable charity, and so could have wished that you and all other that be Catholic should have done, leaving those there with him that be already cast away, and will not be recovered. For you, tarrying with him still, shall not only hurt yourselves in receiving his poisoned doctrine, but also shall give a visage that their doctrine is tolerable by reason that ye are content to hear it, and say nothing against it. And because I cannot tell when I shall speak with you to advertise you hereof, therefore I thought good for mine own discharge and yours, thus much to write unto you, requiring and praying you again and again in God's behalf, and for mine own discharge, that ye suffer not yourselves to be abused with such naughty preachers and teachers, in hearing their evil doctrine that ye shall perceive them go about to sow. And thus our blessed Lord long and well preserve you all with this noble city in all good rest, godliness, and prosperity. Written in haste, this Monday morning, the 16th of Sept. 1549. Your faithful beadsman and poor bishop, Edmund Bonner."

This Letter being read, the secretary demanded of him whether he wrote it not. To whom he would not otherwise answer, but that he would still adhere and stand unto his former recusations and appeals. Which the commissioners seeing, determined to continue this case in state as it was until Friday then next following, between the hours of eight and nine of the clock before noon, assigning the bishop to be there at the same time and place, then to hear a final decree of this matter, he still protesting as before.

The seventh Session or Appearance of Bonner upon Tuesday the 1st of October, before the King's Commissioners at Lambeth.

Upon Friday the commissioners, for divers urgent causes letting them, did not sit in commission according to their appointment, but deferred it until Tuesday the first of October then next following. Upon which day the bishop appearing before them, the archbishop declared unto him, that although as upon Friday last they had appointed to pronounce their final decree and sentence in this matter, yet forsomuch as they thought that that sentence, although they had just cause to give it, should have been very sore against him, they had not only deferred the same until this day, but minding to be more friendly to him then he was to himself, and to use more easy, and gentle reformation towards him, had also made such suit and means for him, that although he had grievously offended the king's majesty, and very disobediently behaved himself, yet if he would in the mean while have acknowledged his fault, and have been contented to make some part of amends in submitting himself according to his bounden duty, he should have found much favour; so the sentence should not have been so sore and extreme against him, as it was like now to be, for which they were very sorry, especially to see the continuance of such stubborn disobedience, whereby they were then more enforced to give such sentence against him.

The Bishop nothing at all regarding this gentle and friendly admonition and favour, but persisting still in his wonted contumacy, drew forth a Paper, whereon he read these words following:

"I Edmund bishop of London brought in as a prisoner by his keeper, one of the Marshalsey, here before you my lord of Canterbury and your pretended colleagues, do under my former protestations heretofore by me made before you and remaining in your act, declare that this my presence here at this time is not voluntary, nor of mine own free will and consent, but utterly coacted and against my will, and that being otherwise sent for or brought before you than I am (that is as a prisoner) I would not, being at liberty, have come and appeared before

you, but would have declined and refused to make any appearance at all, and would have absented myself from you, as lawfully and well I might have done, standing to, using and enjoying all and singular my lawful remedies and defences heretofore used, exercised and enjoyed, especially my provocation, and appellation heretofore interponed and made unto the king's most excellent majesty, to whom eftsoons, *ex abundanti*, I have both provoked and appealed, and also made supplication, as appeareth in these writings, which, under protestation aforesaid, I do exhibit and leave here with the actuary of this cause, requiring him to make an instrument thereupon, and, the persons here present to bear record in that behalf; especially to the intent it may appear, I do better acknowledge the king's majesty's authority even in his tender and young age, provoking and appealing to his majesty, as my most gracious sovereign and supreme head with submission to his highness (as appeareth in my appellation and other remedies) for my tuition and defence, then otnersome (I do mean you my lord of Canterbury and your said pretended colleagues) which by law and good reason ought to have deferred and given place unto such provocation, appellation, and supplication, as heretofore lawfully have been by me interponed, and made unto his majesty's most royal person and sovereign authority in this behalf."

As soon as the bishop had read these words, he did deliver as well that paper as also two other, unto the actuary, the one containing an Appellation, and the other a Supplication, unto the king's majesty; which Appellation beginneth thus: In the name of God, Amen. Wherein first he shewed how naturally every creature declineth gladly from that thing which goeth about to hurt it, and also seeketh help and remedy to withstand such hurts and injuries. Further he shewed that it is found by experience to be hurtful and dangerous to trust him that once hath hurt and beguiled, lest he might add more, rather than to take ought from. Moreover he shewed, that he had found heretofore at the hands of the archbishop of Canterbury and the rest of the colleagues in this matter, much extremity and cruelty, injuries, losses, and griefs, contrary to God's law, and the laws and statutes of this realm, and against justice, charity and good order, being well assured if they were not stayed but proceeded, they would add more evil to evil, loss to loss, displeasure to displeasure, as (said he) their servants have reported, and they agreeably do shew the same. Again in the said appeal he shewed that the bishop of Canterbury and the other commissioners ought to have considered and done better in that matter for honour and obedience to the king's majesty, which hitherto they have not done (said he) in that they have not given place to his provocations and appellations heretofore made unto his grace, justly and lawfully, and upon good and just causes, namely, for the unjust griefs they did against him, which he said do appear in the acts of that matter; as in pronouncing him *contumacem* unreasonably without good cause, and further in assigning the term *ad audiendum finale decretum*, and in committing him to straight prison, as appeareth in their acts. Therefore he did not only *ex abundanti, ad omnem juris cautelam*, decline and refuse their pretended jurisdiction as before, but also by these presents here shewed he did appeal from the said archbishop of Canterbury, and the rest, unto the king's majesty, asking also those letters of appeal which the law doth admit, saying, he did not intend to go from his former provocations and appellations, but to join and cleave unto them in every part and parcel, submitting himself to the protection and defence of the king's majesty; and he therein made intimation to the archbishop of Canterbury, and to his said colleagues, to all intents and purposes that might come thereof. Furthermore, as touching the supplication above mentioned, which Bonner (as we said) put up in writing to the Commissioners, the copy thereof hereunder likewise ensueth:

The Supplication of Bonner to the Chancellor of England, with all the rest of the Privy Council.

"Please it your most honourable good lordships, with my most humble recommendations, to understand, that albeit I have according to the laws, statutes, and ordinances of this realm made supplication, provocation, and appellation unto the king's most excellent majesty, from the unlawful and wicked process of the archbishop of Canterbury, the bishop of Rochester, master secretary Smith, and the dean of Paul's, as also as well from their unjust interlocutory, as also their definitive sentence, whereby in law I ought to have liberty to come abroad and prosecute the same, yet such is the malignity of the judges against me, with bearing and maintenance of other which sundry and many ways have sought my ruin and destruction, that I am here penned and locked up, used very extremely at their pleasure, and for the contentation of the said master Smith, not suffered to find sureties, or to go abroad to prosecute and sue my said appellation. In consideration whereof, it may please your said good lordships to take some order and redress herein, especially for that it is now the time that the king's subsidy, now due, ought to be called upon, and justice also ministered unto his majesty's subjects, which being as I now am, I cannot be suffered to do. And thus without further extending my letter therein, considering that your great wisdoms, experience, and goodness can gather of a little, what is expedient and necessary for the whole, I do beseech Almighty God to preserve and keep well all your honourable good lordships. Written in haste this 7th of October, 1549, in the Marshalsea. Your honourable lordships poor orator, and most bounden beadsman, Edmund London."

These things ended, the archbishop said unto

him. My lord, where you say that you come coacted, or else you would not have appeared, I do much marvel of you. For you would thereby make us and this audience here believe that because you are a prisoner, ye ought not therefore to answer. Which if it were true, it were enough to confound the whole state of this realm. For I dare say, that of the greatest prisoners and rebels that ever your keeper there (meaning the under-marshal) hath had under him, he cannot shew me one that hath used such defence as you have here done. —Well (quoth the bishop) if my keeper were learned in the laws, I could shew him my mind therein. Well, said the archbishop, I have read over all the laws as well as you, but to another end and purpose than you did, and yet I can find no such privilege in this matter. Then master secretary Smith did very sore burthen and charge him, how disobediently and rebelliously he had always behaved himself towards the king's majesty and his authority. Whereupon, the bishop under his protestation answered again, That he was the king's majesty's lawful and true subject, and did acknowledge his highness to be his gracious sovereign lord, or else he would not have appealed unto him as he did, yea, and would gladly lay his hands and his neck also under his grace's feet, and therefore he desired that his highness's laws and justice might be ministered unto him.—Yea, quoth master secretary, you say well my lord, but I pray you what other hath all these rebels both in Norfolk, Devonshire, and Cornwall, and other places done? Have they not said thus? We be the king's true subjects, we acknowledge him for our king, and we will obey his laws, with such like; and yet when either commandment, letter, or pardon was brought unto them from his majesty, they believed it not, but said it was forged and made under a hedge, and was gentlemen's doings, so that indeed they neither would nor did obey any thing.—Ah sir, said the bishop, I perceive your meaning; as who should say that the bishop of London is a rebel like them. Yea, by my troth, quoth the secretary. Whereat the people laughed.

Then the dean of Paul's said unto him, That he marvelled much, and was very sorry to see him so untractable, that he would not suffer the judges to speak. To whom the bishop disdainfully answered; Well, master dean, you must say somewhat. And likewise at another time as the dean was speaking, he interrupted him and said, You may speak when your turn cometh. Then said secretary Smith, I would you knew your duty. I would quoth he again, you knew it as well as I: with an infinite deal more of other such stubborn and contemptuous talk and behaviour towards them. Which the commissioners weighing, and perceiving no likelihood of any tractable reason in him, determined that the archbishop, with their whole consent, should at that present there openly read and publish their final decree or sentence definitive against him. Which he did, pronouncing him thereby to be clean deprived from the bishopric of London, and further as in the same appeareth, in tenor as followeth:

Sententia deprivationis lata contra Edmundum London. Episcopum.

"In Dei nomine, Amen. Nos Thomas miseratione divina Cantuar. Archiepiscop. totius Angliæ Primas & Metropolitanus, Nicholaus eadem miseratione Roffensis Episcopus, Thomas Smith miles, illustrissimi in Christo principis & Domini nostri Domini Edwardi sexti, Dei gratia, Angliæ, Franciæ, & Hyberniæ Regis, fidei defensoris, & in terris Ecclesiæ Anglicanæ supremi capitis, Secretariorum principalium alter, & Wilhelmus May, Juris Civilis Doctor, Ecclesiæ Cathedralis divi Pauli decanus, dicti illustrissimi principis, & domini nostris regis, ad infra scripta, una cum eximio viro domino Wilhelmo Petro Milite, ejusdem serenissimæ regiæ majestatis etiam Secretariorum principalium altero, Commissarii sive Judices delegati cum ista clausa, videlicet, Deputamus vos quinque, quatuor vel tres vestrûm, &c. Rectè & legitimè deputati contra te Edmundum permissione divina London. Episcopum in causa & causis, in literis Commissionalibus dictæ serenissimæ Regiæ Majestatis express. & specificat. ritè & legitimè procedentes & judicialiter inquirentes, auditisque per nos & intellectis ac primo examine debit. mature discussis meritis & circumstantiis causæ & causarum inquisitionis ejusmodi, servatisque ulterius per nos de jure in hac parte servandis in præsentia tui Episcopi antedicti, judicialiter coram nobis constituti, ac protestantis de coactione, & de cæteris, prout in ultima protestatione hodie per te facta continetur, ad definitionem causæ & causarum hujusmodi, prolationemque sententiæ, nostræ sive nostri finalis decreti, super eisdem ferendam sic duximus procedendum, & procedimus in hunc qui sequitur modum. Quia tam per acta inactitata, deducta, proposita, exhibita, allegata, probata, pariter & confessata in causa & causis hujusmodi, facta, habita & justa, quam per confessionem tuam propriam, factique notorietatem, & alia legitima documenta, evidentem invenimus, & compertum habemus te præfatum Episcopum London. inter cætera, pro meliori officii tui pastoralis administratione, in mandatis habuisse, ut de his qui duas aut tres uxores ut maritos in unum haberent, aut qui externos & non probatos Ecclesiæ ritus in hoc regno sequerentur, quibus rebus tua Diocesis Londinensis, præcipuè erat infamata, inquireres, teque ea facere omnino neglexisse: Item expresse tibi per Regiam Majestatem præscriptum fuisse, ut ipse Episcopus adesses concionibus ad crucem Pauli habitis, tam ut eas honestares tua præsentia, quam ut possis eos accusare, (si qui male ibidem concionarentur) te tamen contra non solum abiisse, sed etiam scriptis literis, Majorem London. & Aldermannos, ut inde recederent admonuisse & exhortatum fuisse: Item, inter alia quoque per Regiam Majestatem tibi injuncta in mandatis tibi datum fuisse, quod articulum quendam, statum reipublicæ tunc per-

niciossima rebellione proditorum contra illum articulum sentientium gravissime perturbatæ præcipue concernent. & propterea supremum, necessarium, & specialiter tibi injunctum, videlicet;" 'Ye shall also set forth in your sermon, that 'our authority of our royal power is, as of truth 'it is, of no less authority and force in this our 'younger age, than is and was of any of our 'predecessors, though the same were much 'elder, as may appear by example of Josias 'and other young kings in scripture. And 'therefore all our subjects to be no less bound 'to the obedience of our precepts, laws and 'statutes, than if we were thirty or forty years 'of age.'—Apud crucem sive suggestum Divi Pauli London. certo die tibi in ea parte præfixo, & limitato in publica tua concione, tunc & ibidem populo recitares, & explicares, tequæ modo & forma præmissa eundem articulum juxta mandatum,, & officii tui debitum recitare & explicare minime curasse, sed contumaciter & inobedienter omisisse, in maximum Regiæ Majestatis contemptum, ac in ejus regni præjudicium non modicum, necnon in subditorum suorum malum & perniciosum exemplum, contumaciamque & inobedientiam multiplicem tam in hac nostra inquisitione, quam alias perpetrasse, commisisse & contraxisse; Ideirco nos Thomas Cantuariensis Archiepiscopus Primas & Metropolitanus, judexque delegatus antedictus, Christi nomine primitus invocato, ac ipsum solum Deum oculis nostris præponentes, de & cum expresso consensu pariter & assensu Collegarum nostrorum prædictorum unà nobiscum assidentium, deque & cum concilio Jurisperitorum, cum quibus communicavimus in hac parte, Te Edmundum London. Episcopum antedictum à tuo Episcopatu London. unà cum suis juribus & pertinentibus commoditatibus, & cæteris emolumentis quibuscunque deprivandum & prorsus amovendum fore de jure debere, pronunciamus, decernimus & declaramus, prout per præsentes sic deprivamus & amovemus per hanc nostram sententiam definitivam, sive hoc nostrum finale decretum, quam sive quod ferimus & promulgamus in his scriptis."

Which ended, the Bishop immediately did therefrom appeal by word of mouth, alledging, that the same sentence there given against him, was *lex nulla*. The tenour of whose words I thought here to express, according as they were by him uttered, in this wise as followeth:

"I Edmund bishop of London, brought in and kept here as a prisoner against my consent and will, do under my former protestation beretofore made, and to the intent it may also appear, that I have not, being so here in this place, consented nor agreed to any thing done against me and in my prejudice, alledge and say that this sentence given here against me, is *lex nulla*; and so far forth as it shall appear to be *aliqua*, I do say it is *iniqua & injusta*, and that therefore I do from it, as *iniqua & injusta*, appeal to the most excellent and noble king Edward the 6th, by the grace of God, king of England, France, and Ireland, defender of the faith, and of the Church of England and also Ireland, next and immediately under God here on earth, supreme head, and unto his court of chancery or parliament, as the laws, statutes, and ordinances of this realm will suffer and bear in this behalf, desiring instantly first, second and third, according to the laws, letters, reverential or dimissories, to be given and delivered unto me in this behalf, with all things expedient, requisite, or necessary in any wise; and thereupon also the said bishop required the public notary or actuary, William Say, to make an instrument, and the witness aforesaid and other present to record the same. To whom so appealing, and requiring as afore, the said Judges delegate said, that they will declare and signify to the king's majesty what is done in this matter, and thereupon will defer or not defer to his said appellation, according as his grace's pleasure and commandment shall be given to them in that behalf, and after all this, the said bishop of London said to them, *Jam functi estis officio*. What will your grace do with me now, touching my imprisonment? Will ye keep me still in prison? Shall I not now be at liberty to prosecute mine appeal? To whom the Archbishop answering, said, That they perceived now more in that matter than they did at the first, and that this matter is more greater rebellion then he is aware of, and therefore said that as yet they would not discharge him, and thereupon they committed him again to his keeper in prison."

This talk finished, the Archbishop considering that most of the audience there present did not understand the meaning of the sentence being read in the Latin tongue, said to them, Because there be many of you here that understand not the Latin tongue, and so cannot tell what judgment hath been here given, I shall therefore shew you the effect thereof; and therewith did declare in English the causes expressed in the sentence, adding thereunto these words: 'Because my lord of London is found guilty in these matters, therefore we have here by our sentence deprived him of our bishopric of London; and this we shew unto you to the intent that from henceforth ye shall not esteem him any more as bishop of London.' Then Bonner desired the archbishop to declare likewise what he had done, and how he had appealed. But the other, seeing his froward contempt, refused it, saying, You may do it yourself. Whereupon very disdainfully again he said, *Jam functi estis officio*. What will your grace do with me touching my imprisonment? Will you keep me still in prison?—To whom the commissioners answered, that they perceived now more in the matter than they did before, and that his behaviour was more greater rebellion he was aware of, and therefore they would not discharge him, but committed him again to his keeper to be kept in prison. Where he most justly remained until the death of that most worthy and godly prince king Edward 6th. After which time he wrought most horrible mischief and cruelties against the saints of God, as appeareth hereafter throughout the whole reign

of queen Mary. From the executing of the which like tyranny the Lord of his great mercy keep all other such, amen.

Now, immediately after his deprivation, he writeth out of the Marshalsea other letters supplicatory unto the lord chancellor, and the rest of the king's council. Wherein he thus complaineth, that by reason of the great enmity that the duke of Somerset and sir Thomas Smith bear unto him, his often and earnest suits unto the king and his council could not be heard. He therefore most humbly desireth their lordships, for the causes aforesaid, to consider him, and to let him have liberty to prosecute his matter before them, and he would daily pray for the good preservation of their honours, as appeareth by the words of his own Supplication hereunder following.—Thus after the commissioners had finished with Bonner, he being now prisoner in the Marshalsea, leaving no shift of the law unsought how to work for himself as well as he might, drew out a certain Supplication, conceived and directed to the king's majesty, out of the said prison of the Marshalsea.

To the right honourable, my Lord Chancellor of England, with all the rest of the most honourable Privy Council.

"Please it your most honourable good lordships with my most humble commendations to understand, that albeit heretofore I have made such suit, and to such persons as I cannot devise to make more, or to more higher, that is to wit, to the king's most excellent majesty, and his most gracious persons in divers sorts, and also unto your most honourable good lordships being of his privy council, for redress of such notable and manifest injuries and extremities as have been contrary to all law, honesty, and good reason inflicted upon me by my lord of Canterbury, my lord of Rochester, doctor Smith, and doctor May: yet because the said doctor Smith being a minister to the duke of Somerset, and they both my deadly enemies, hath sundry ways studied and laboured my ruin and destruction, staying and letting heretofore all my lawful remedies and suits, having therein help and furtherance of these two other aforesaid persons, being ready at foot and hand to accomplish all their desires and pleasures, I shall at this present, having for a time forborn to trouble (for good respects) your most honourable good lordships with any my suits, and especially for your other manifold great affairs in the king's majesty's business, myself yet, the mean while, neither wanting good will, nor yet just cause (being where I am) to make such suit, renew my suit, and most humbly beseech your most honourable good lordships to give me leave to make most humble supplication again to your said lordships, for honest and lawful liberty to prosecute my appellation and supplication heretofore made to the king's most excellent majesty, and according to the law to make my suit for redress of the said great and manifest injuries, extremities, and wrongs done against me by the said persons. And your said lordships, over and besides the furtherance of justice many ways herein to me and other, and the collection of the king's majesty's subsidy now to be levied of the clergy in my diocese, which hitherto hath been and is stayed by reason of the premises, shall also bind me most greatly and intirely to pray daily for the good preservation of your said most honourable good lordships in all honour, felicity, and joy, long to continue and endure unto God's pleasure. Written in the Marshalsea, the 26th of October, 1549. Your lordships most faithful and assured beadsman, Edmund London."

A Supplication made and directed by Edmund Bonner, late Bishop of London, to the King's Majesty, out of the Prison of the Marshalsea.

In the which Supplication, first after the used form of stile, he prayed for the prosperous estate of the king long to reign. Then he shewed that his faithful heart and service to him hath, is, and shall be, as it was to his father before. Then he declared how he had been belied of evil men, and misreported not to bear a true heart to his grace, but a rebellious mind, in denying his royal power in his minority, where indeed he saith, his grace should find him always during life both in heart, word, and deed to do and acknowledge otherwise, and to be most willing to shew, &c. and to do all other things for his grace, as willingly as any other subject, or as those that were his denouncers, who he thought were not sent of his grace, but pretended commissioners, &c. Further, he complained of his denunciation by certain commissioners, who said they were sent by his grace, alledging the same not to be lawful; and of his long and sharp imprisonment, and that the commissioners observed neither law nor reasonable order, but extremity. And where he had made appeal to his grace, and he could not have it; he desired to have law to prosecute and sue his appeal for his remedy, and that he, considering his vocation, might not be shut up and put from liberty, which his meanest subjects have.—Then he desired his grace's letters of *supersedeas* against the commissioners, and that the matter might be heard before the council, and then he doubted not but to be found a true faithful man, and herein to have wrong. So in the end he concluded, this, prostrating himself even to the very ground, and humbly kissing his grace's feet, to be the only thing which he humbly desired, &c.

This done, and the Supplication perused, the king straightways giveth in charge and commandment to certain men of honour and worship, and persons skilful in the law, as to the lord Rich high chancellor, the lord treasurer, the lord marquis Dorset, the bishop of Ely, lord Wentworth, sir Anthony Wingfield, sir William Harbert, knts. Dr. Rich, Wootton, Edw. Montague lord chief justice, sir John Baker, knt. with judge Hales, John Gosnold, Dr. Oliver, and also Dr. Layson, that they scanning and perusing all such acts, matters,

and monuments of the said Bonner by him exhibited, produced, propounded, and alleged, with all and singular his Protestations, Recusations, and Appellations, should upon mature consideration thereof give their direct answer upon the same, whether the Appellation of the said Bonner were to be deferred unto, whether the Sentence defined against him stood by the law sufficient and effectual, or not. Who eftsoons, after diligent discussion and considerate advisement had of all and singular the premises gave their resolute answer that the pretended appellation of Edmund Bonner aforesaid was naught and unreasonable, and in no wise to be referred unto, and that the sentence was rightly and justly pronounced. And this was the conclusion of Bonner's whole matter and Deprivation.*

* "Queen Mary no sooner ascended the throne, than Bonner was restored to his honours, and made President of the Convocation, instead of Cranmer now disgraced. In his new office he displayed all the native ferocity of his character. He not only dismissed and excommunicated several of the clergy, but he committed some hundreds to the flames for not renouncing the doctrines of the Reformation, and on every accusation shewed himself the worthy minister of a bloody reign. On the death of Mary he paid his respects to the new queen, but Elizabeth turned away from a man stained with the blood of suffering innocence, and the bigoted ecclesiastic soon after, when summoned before the Council, refused to take the oaths of allegiance, and was again deprived of his bishopric, and imprisoned. He died about the 10th year of his confinement, 5th of September 1569, and as he was excommunicated, his body was privately buried at midnight in St. George's church-yard, Southwark, that a public ceremony might not draw more strongly the indignation of the populace against his remains. In his person Bonner was fat and corpulent, his character was ferocious and vindictive, his knowledge of divinity was not extensive, but he was well versed in politics and canon law. He wrote some tracts now deservedly forgotten." Lempriere.

"In the first edition of Fox's Acts and Monuments, there is a wooden print of Bonner in the act of whipping Thomas Hinshawe. Sir John Harrington tells us, that 'when Bonner was shewn this print in the book of Martyrs on purpose to vex him, he laughed at it saying, A vengeance on the fool, how could he get my picture drawn so right.' This man, whom nature seems to have designed for an executioner, was an ecclesiastical judge in the reign of Mary. He is reported to have condemned no less than 200 innocent persons to the flames; and to have caused great numbers to suffer imprisonment, racks, and tortures. He was remarkably fat and corpulent; which made one say to him, 'that he was full of guts, but empty of bowels.' He died in the Marshalsea, the 5th Sept. 1569." Grainger.

46. Proceedings against Sir James Hales, Justice of the Court of Common Pleas, for his conduct at the Assizes in Kent: 1 Mary, A. D. 1553. [3 Fox's Acts and Monum. 19. Somers' Tracts, 2 coll. vol. 95.]

Mr. Fox introduces this short but interesting procedure thus:

The first day of October 1553, queen Mary was crowned at Westminster, and the 10th of the same month of October then following began the parliament with a solemn mass of the Holy Ghost, after the popish manner, celebrated with great pomp in the palace of Westminster. Mass being done, the queen, accompanied with the estates of the realm, was brought into the parliament house, there according to the manner to enter and begin the consultation, at which consultation or parliament were repealed all statutes made in the time of king Henry the 8th for Premunire, and statutes made in king Edward the 6th's time for Administration of Common Prayer and the Sacrament in the English tongue. And such as would stick to the laws made in king Edward's time, till others should be established, some of them were marked, and some presently apprehended. Among whom sir James Hales, a knight of Kent, and justice of the common pleas, was one; who notwithstanding he had ventured his life in queen Mary's cause, in that he would not subscribe to the uninheriting of her by the king's will, yet for that he did at a quarter sessions give charge upon the statutes made in the time of king Henry the 8th and Edward the 6th, for the supremacy and religion, he was imprisoned in the Marshalsea, Counter, and Fleet, and so cruelly handled and put in fear by talk that the Warden of the Fleet used to have in his hearing, of such torments as were in preparing for heretics, (or for what other cause God knoweth) that he sought to rid himself out of this life by wounding himself with a knife; and afterward was contented to say as they willed him: whereupon he was discharged, but after that he never rested till he had drowned himself in a river, half a mile from his house in Kent.

The Communication *between the Lord Chancellor (Stephen Gardiner bishop of Winchester) and Judge Hales, being there among other Judges, to take his Oath in Westminster Hall, Oct. 6, 1553.*

MASTER Hales, ye shall understand, that like as the queen's highness hath heretofore conceived good opinion of you, especially for that ye stood both faithfully and lawfully in her cause of just succession, refusing to set your hand to the book among others that were against her grace in that behalf: so now, through your own late deserts against certain her highness's doings, ye stand not well in her grace's favour: and therefore before ye take any oath, it shall be necessary for you to make your purgation.

Hales. I pray you, my lord, what is the cause?

Chan. Information is given, that ye have indicted certain priests in Kent for saying mass.

Hales. My lord, it is not so, I indicted none; but indeed certain indictments of like matter were brought before me at the last assizes there holden, and I gave order therein as the law required. For I have professed the law, against which in cases of justice I will never, God willing, proceed, nor in any wise dissemble, but with the same shew forth my conscience, and if it were to do again, I would do no less than I did.

Cha. Yea, master Hales, your conscience is known well enough, I know you lack no conscience.

Hales. My lord, you may do well to search your own conscience; for mine is better known to myself than to you: and to be plain, I did as well use justice in your said mass case by my conscience, as by law, wherein I am fully bent to stand in trial to the uttermost that can be objected. And if I have therein done any injury or wrong, let me be judged by the law; for I will seek no better defence, considering chiefly that it is my profession.

Cha. Why master Hales, although you had the rigour of the law on your side, yet ye might have had regard to the queen's highness present doings in that case. And further, although ye seem to be more than precise in the law, yet I think ye would be very loth to yield to the extremity of such advantage as might be gathered against your proceedings in the law, as ye have sometime taken upon you in place of justice, and if it were well tried, I believe ye should not be well able to stand honestly thereto.

Hales. My lord, I am not so perfect, but I may err for lack of knowledge. But both in conscience, and such knowledge of the law as God hath given me, I will do nothing but I will maintain it, and abide in it: and if my goods and all that I have be not able to counterpoise the case, my body shall be ready to serve the turn; for they be all at the queen's highness pleasure.

Cha. Ah sir, ye be very quick and stout in your answers. But as it should seem, that which you did was more of a will favouring the opinion of your religion against the service now used, than for any occasion or zeal of justice, seeing the queen's highness doth set it forth as yet, wishing all her faithful subjects to embrace it accordingly: and where you offer both body and goods in your trial, there is no such matter required at your hands, and yet ye shall not have your own will neither.

Hales. My Lord, I seek not wilful will, but to shew myself as I am bound in love to God, and obedience to the queen's majesty, in whose cause willingly for justice sake, all other respects set apart, I did of late, as your lordship knoweth, adventure as much as I had. And as for my religion, I trust it be such as pleaseth God, wherein I am ready to adventure as well my life as my substance, if I be called thereunto. And so in lack of mine own power and will, the Lord's will be fulfilled.

Chan. Seeing you be at this point master Hales, I will presently make an end with you. The queen's highness shall be informed of your opinion and declaration. And as her grace shall thereupon determine, ye shall have knowledge. Until such time as ye may depart as ye came, without your oath: for as it appeareth, ye are scarce worthy the place appointed.

Hales. I thank your lordship: and as for my vocation, being both a burden and a charge more than ever I desired to take upon me; whensoever it shall please the queen's highness to ease me thereof, I shall most humbly with due contentation obey the same; and so he departed from the bar.

Not many days after this Communication, or colloquy, in Westminster-hall, which was Oct. 6, 1553, Master Hales at the commandment of the bishop was committed to the King's-bench, where he remained constant until Lent: then was he removed to the Counter in Bread street, and afterward from thence was carried to the Fleet. What afterwards befell him, has been before related.

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47. Proceedings against Lady JANE GREY, and Others, for Treason: 1 Mary, A. D. 1553. [3 Fox's Acts and Monuments, 13. Bib. Cott. Somers' Tracts, 4 coll. vol. 1, p. 174. Biog. Brit.]

WHAT time, says Fox, king Edward by long sickness began to appear more feeble and weak, in the mean while during the time of this his sickness, a certain marriage was provided, concluded, and shortly also upon the same solemnised in the month of May, between the lord Gilford, son to the duke of Northumberland, and the lady Jane, the duke of Suffolk's daughter; whose mother being then alive, was daughter to Mary, king Henry's second sister,

who first was married to the French king, and afterward to Charles, duke of Suffolk. But to make no long tarriance hereupon, the marriage being ended, and the king waxing every day more sick than other, whereas indeed there seemed in him no hope of recovery, it was brought to pass by the consent not only of the nobility, but also of the chief lawyers of the realm, that the king by his Testament did appoint the foresaid lady Jane, daughter to the duke of Suffolk, to be inheretrix unto the crown of England, passing over his two sisters, Mary and Elizabeth. To this Order subscribed all the king's Council, and the chief of the nobility, the mayor and city of London, and almost all the judges and chief lawyers of this realm, saving only justice Hales of Kent, a man both favouring true religion, and also an upright judge, as any hath been noted in this realm, who, giving his consent unto lady Mary, would in no case subscribe to lady Jane. The causes laid against lady Mary, were as well for that it was feared she would marry with a stranger, and thereby intangle the crown; as also that she would clean alter religion, used both in king Henry her father, and also in king Edward her brother's days, and so bring in the pope, to the utter destruction of the realm, which indeed afterward came to pass, as by the course and sequel of this story may well appear.

Much probable matter they had thus to conjecture of her, by reason of her great stubbornness shewed and declared in her brother's days, as in the letters before mentioned, passing between her and king Edward, and the council, may appear. The matter being thus concluded, and after confirmed by every man's hand, king Edward, an imp of so great hope, not long after this departed by the vehemency of his sickness, when he was 16 years of age; with whom also decayed in a manner the whole flourishing estate and honour of the English nation.

When king Edward was dead, this Jane was established in the kingdom by the nobles consent, and was forthwith published queen by proclamation at London, and in other cities where was any great resort, and was there so taken and named. Between this young damsel and king Edward there was little difference in age, though in learning and knowledge of the tongues she was not only equal, but also superior unto him, being instructed of a master right nobly learned. If her fortune had been as good as was her bringing up, joined with fineness of wit, undoubtedly she might have seemed comparable not only to the house of Vespasians, Sempronians, and mother of the Gracchies, yea, to any other women beside, that deserved high praise for their singular learning; but also to the university-men, which have taken many degrees of the schools.

In the mean time while these things were a working at London, Mary, which had knowledge of her brother's death, writeth to the lords of the Council in form as followeth:

"My lords, we greet you well, and have received sure advertisement, that our dearest brother the king, our late sovereign lord, is departed to God's mercy; which news how woeful they be unto our heart, he only knoweth, to whose will and pleasure we must, and do humbly submit us and our wills. But in this so lamentable a case, that is to wit, now after his majesty's departure and death, concerning the crown and governance of this realm of England, with the title of France, and all things thereto belonging, what hath been provided by act of parliament, and the testament and last will of our dearest father, besides other circumstances advancing our right, you know, the realm, and the whole world knoweth, the rolls and records appear by the authority of the king our said father, and the king, our said brother, and the subjects of this realm; so that we verily trust that there is no good true subject, that is, can, or would pretend to be ignorant thereof: and of our part we have of ourselves caused, and, as God shall aid and strengthen us, shall cause our right and title in this behalf to be published and proclaimed accordingly. And albeit this so weighty a matter seemeth strange, that our said brother dying upon Thursday at night last past, we hitherto had no knowledge from you thereof, yet we consider your wisdom and prudence to be such, that having eftsoons amongst you debated, pondered, and well weighed this present case with our estate, with your own estate, the common-wealth, and all our honours, we shall and may conceive great hope and trust with much assurance in your loyalty and service, and therefore for the time interpret and take things not to the worst; and that ye will, like noblemen, work the best. Nevertheless we are not ignorant of your consultations to undo the provisions made for our preferment, nor of the great bands and provisions forcible wherewith ye be assembled and prepared, by whom, and to what end, God and you know, and nature can but fear some evil. But be it that some consideration politic, or whatsoever thing else hath moved you thereto, yet doubt you not my lords, but we can take all these your doings in gracious part, being also right ready to remit and fully pardon the same, and that freely, to eschew blood-shed and vengeance against all those that can or will intend the same, trusting also assuredly you will take and accept this grace and virtue in good part as appertaineth, and that we shall not be inforced to use the service of other our true subjects and friends, which in this our just and right cause, God, in whom our whole affiance is, shall send us. Wherefore my lords, we require you and charge you, and every of you, that of your allegiance which you owe to God and us, and to none other, for our honour and the surety of our person only imploy yourselves, and forthwith upon receipt hereof, cause our right and title to the crown and government of this realm to be proclaimed in our city of London and other places, as to your wisdoms shall seem good, and as to this case appertaineth, not failing hereof as our very trust is in you. And thus our letter,

signed with our hand, shall be your sufficient warrant in this behalf. Given under our signet at our manor of Kening-hall, the 9th of July, 1553."

To this Letter of the lady Mary, the lords of the Council make answer again, as followeth:

"Madam, we have received your letters the 9th of this instant, declaring your supposed title, which you judge yourself to have to the imperial crown of this realm, and all the dominions thereunto belonging. For answer whereof, this is to advertise you, that for as much as our sovereign lady queen Jane is, after the death of our sovereign lord Edward the 6th, a prince of most noble memory, invested and possessed with the just and right title in the imperial crown of this realm, not only by good order of old ancient laws of this realm, but also by our late sovereign lord's letters patents signed with his own hand, and sealed with the great seal of England in presence of the most part of the nobles, counsellors, judges, with divers other grave and sage personages, assenting and subscribing to the same: we must therefore, as of most bound duty and allegiance, assent unto her said grace, and to none other, except we should, which faithful subjects cannot, fall into grievous and unspeakable enormities. Wherefore we can no less do, but for the quiet both of the realm and you also, to advertise you, that forasmuch as the divorce, made between the king of famous memory, king Henry the 8th, and the lady Catharine your mother, was necessary to be had both by the everlasting laws of God, and also by the ecclesiastical laws, and by the most part of the noble and learned universities of Christendom, and confirmed also by the sundry acts of parliaments remaining yet in their force, and thereby you justly made illegitimate and unheritable to the crown imperial of this realm, and the rules, and dominions, and possessions of the same, you will upon just consideration hereof, and of divers other causes lawful to be alledged for the same, and for the just inheritance of the right line and godly order taken by the late king our sovereign lord king Edward the 6th, and agreed upon by the nobles and great personages aforesaid, surcease by any pretence to vex and molest any of our sovereign lady queen Jane her subjects from their true faith and allegiance due unto her grace: assuring you, that if you will for respect shew yourself quiet and obedient, as you ought, you shall find us all and several ready to do you any service that we with duty may, and glad with your quietness to preserve the common state of this realm: wherein you may be otherwise grievous unto us, to yourself, and to them. And thus we bid you most heartily well to fare. From the Tower of London, this 9th of July, 1553. Your ladyship's friends, shewing yourself an obedient subject, Thomas Canterbury, the marquis of Winchester, John Bedford, Will. Northampton, Thomas Ely chancellor, Northumberland, Henry Suffolk, Henry Arundel, Shrewsbury, Pembroke, Cobham, R. Rich, Huntingdon, Darcy, Cheyney, R. Cotton, John Gates, W. Peter, W. Cecill, John Cheeke, John Mason, Edw. North, R. Bowes."

All these aforesaid, except only the duke of Northumberland, and sir John Gates, afterward were either by special favour, or special or general pardon, discharged.

After this Answer received, and the minds of the lords perceived, lady Mary speedeth herself secretly away far off from the city, hoping chiefly upon the good will of the commons, and yet perchance not destitute altogether of the secret advertisements of some of the nobles. When the Council heard of her sudden departure and perceived her stoutness, and that all came not to pass as they supposed, they gathered speedily a power of men together, appointing an army, and first assigned that the duke of Suffolk should take that enterprise in hand, and so have the leading of the band. But afterward altering their minds, they thought it best to send forth the duke of Northumberland, with certain other lords and gentlemen, and that the duke of Suffolk should keep the Tower, where the lord Gilford and the lady Jane the same time were lodged. In the which expedition the guard also, albeit they were much unwilling at the first thereunto, yet notwithstanding, through the vehement persuasions of the lord treasurer, master Chomley, and other, they were induced to assist the duke, and to set forward with him.

These things thus agreed upon, and the duke now being set forward after the best array out of London, having notwithstanding his times prescribed, and his journey appointed by the council, to the intent he might not seem to do any thing but upon warrant. Mary in the mean while tossed with much travel up and down, to work the surest way for her best advantage, withdrew herself into the quarters of Norfolk and Suffolk, where she understood the duke's name to be had in much hatred for the service that had been done there of late under king Edward, in subduing the rebels, and there gathering to her such aid of the commons in every side as she might, keeping herself close for a space within Fremingham castle. To whom first of all resorted the Suffolk men; who being always forward in promoting the proceedings of the Gospel, promised her their aid and help, so that she would not attempt the alteration of the religion, which her brother king Edward had before established, by laws and orders publicly enacted, and received by the consent of the whole realm in that behalf.

To make the matter short, unto this condition she eftsoons agreed, with such promise made unto them that no innovation should be made of religion, as that no man would or could then have misdoubted her. Which promise, if she had as constantly kept, as they did willingly preserve her with their bodies and weapons, she had done a deed both worthy her blood, and had also made her reign more stable to herself through former tranquillity. For though a man be never so puissant of

power, yet breach of promise is an evil upholder of quietness, fear is worse, but cruelty is the worst of all.

Thus Mary being guarded with the power of the Gospellers, did vanquish the duke, and all those that came with her. In consideration whereof it was an heavy word that she answered to the Suffolk men afterwards, which did make supplication to her grace to perform her promise: Forsomuch, saith she, as you being but members desire to rule your head, you shall one day well perceive, that members must obey their head, and not look to bear rule over the same. And not only that, but also to cause the more terror unto other, a certain gentleman named master Dobb, dwelling about Wyndham side, for the same cause, that is, for advertising her by humble request of her promise, was punished, being three sundry times set on the pillory to be a gazing stock unto all men.

On the contrary side, the duke of Northumberland having his warrant under the broad seal, with all furniture in readiness, as he took his voyage, and was now forward in his way; what ado there was, what stirring on every side, what sending, what riding and posting, what letters, messages, and instructions went to and fro, what talking among the soldiers, what heart-burning among the people, what fair pretences outwardly, inwardly what privy practices there were, what speeding of ordinance daily and hourly out of the Tower, what rumours and coming down of soldiers from all quarters there was; a world it was to see, and a process to declare, enough to make a whole Ilias. The greatest help that made for the lady Mary was the short journeys of the duke, which by commission were assigned to him before, as is abovementioned. For the longer the duke lingered in his voyage, the lady Mary the more increased in puissance, the hearts of the people being mightily bent unto her. Which after the council at London perceived, and understood how the common multitude did withdraw their hearts from them to stand with her, and that certain noblemen began to go the other way, they turned their song, and proclaimed for queen the lady Mary, eldest daughter to king Henry 8th, and appointed by parliament to succeed king Edward dying without issue.

And so the duke of Northumberland, being by council and advice sent forth against her, was left destitute, and forsaken alone at Cambridge with some of his sons, and a few other, among whom the earl of Huntingdon was one: who there were arrested and brought to the Tower of London, as traitors to the crown, notwithstanding that he had there proclaimed her queen before.

Thus have ye Mary now made a queen, and the sword of authority put into her hand. Therefore when she had been thus advanced by the Gospellers, and saw all in quiet by means that her enemies were conquered, sending the duke captive to the Tower before, which was the 25th of July, she followed not long after, being brought up the 3d day of August to London, with the great rejoicing of many men, but with a greater fear of more, and yet with flattery, peradventure most great, of feigned hearts.

Thus coming up to London, her first lodging she took at the Tower, whereas the foresaid lady Jane with her husband the lord Gilford, a little before her coming, were imprisoned; where they remained waiting her pleasure almost five months. But the duke, within a month after his coming to the Tower, being adjudged to death, was brought forth to the scaffold, and there beheaded. Albeit he having a promise, and being put in hope of pardon (yea, though his head were upon the block) if he would recant and hear mass, consented thereto, and denied in words that true religion, which before time, as well in king Henry 8'ths days, as in king Edward's, he had oft evidently declared himself both to favour and further: exhorting also the people to return to the catholic faith, as he termed it. Whose recantation the papists did forthwith publish and set abroad, rejoicing not a little at his conversion or rather subversion as then appeared.

Thus the duke of Northumberland, with sir John Gates, and sir Thomas Palmer, (which Palmer on the other side confessed his faith that he had learned in the gospel, and lamented that he had not lived more gospel like) being put to death; In the mean time queen Mary entering thus her reign with the blood of these men, besides hearing mass herself in the Tower, gave a heavy shew and signification hereby, but especially by the sudden delivering of Steven Gardiner out of the Tower, that she was not minded to stand to that which she so deeply had promised to the Suffolk men before, concerning the not subverting or altering the state of religion, as in very deed the surmise of the people was therein nothing deceived.

The 3rd of February, the lord Cobham was committed to the Tower, and master Wyat entered into Southwark. Who, forsomuch as he could not enter that way into London, returning another way by Kingston with his army, came up through the streets to Ludgate, and returning thence, he was resisted at Temple-Bar, and there yielded himself to sir Clement Parson, and so was brought by him to the court, and with him the residue of his army, for before, sir George Harpar and almost half of his men ran away from him at Kingston bridge, were also taken, and about an hundred killed, and they that were taken were had to prison, and a great many of them were hanged, and he himself afterward executed at the Tower hill, and then quartered; whose head after being set up upon Haihill, was thence stolen away, and great search made for the same. Of which story ye shall hear more, the Lord willing, hereafter.

The 12th day of Feb. was beheaded the lady Jane, to whom was sent master Fecknam, alias Howman, from the queen, two days before

her death, to commune with her, and to reduce her from the doctrine of Christ to Dr. Mary's religion. The effect of which Communication here followeth:

The Communication had between the Lady Jane and Fecknam.

Fecknam. Madam, I lament your heavy case, and yet I doubt not, but that you bear out this sorrow of yours with a constant and patient mind.

Jane. You are welcome unto me, sir, if your coming be to give christian exhortation. And as for my heavy case, I thank God, I do so little lament it, that rather I account the same for a more manifest declaration of God's favour toward me, than ever he shewed me at any time before. And therefore there is no cause why either you, or other which bear me good will, should lament or be grieved with this my case, being a thing so profitable for my soul's health.

Feck. I am here come to you at this present sent from the queen and her council, to instruct you in the true doctrine of the right faith: although I have so great confidence in you, that I shall have, I trust, little need to travail with you much therein.

Jane. Forsooth, I heartily thank the queen's highness, which is not unmindful of her humble subject: and I hope likewise that you no less will do your duty therein both truly and faithfully, according to that you were sent for.

Feck. What is then required of a Christian man?

Jane. That he should believe in God the Father, the Son, and the Holy Ghost, three persons and one God.

Feck. What? is there nothing else to be required or looked for in a Christian, but to believe in him?

Jane. Yes, we must love him with all our heart, and with all our soul, and with all our mind, and our neighbour as ourself.

Feck. Why? then faith justifieth not, nor saveth not.

Jane. Yes verily, faith, as Paul saith, only justifieth.

Feck. Why? St. Paul saith, if I have all faith without love, it is nothing.

Jane. True it is; for how can I love him whom I trust not; or how can I trust him whom I love not? Faith and love go both together, and yet love is comprehended in faith.

Feck. How shall we love our neighbour?

Jane. To love our neighbour is to feed the hungry, to cloath the naked, and give drink to the thirsty, and to do to him as we would do to our selves.

Feck. Why? then it is necessary unto salvation to do good works also, and it is not sufficient only to believe.

Jane. I deny that, and I affirm that faith only saveth: but it is meet for a Christian, in token that he followeth his master Christ, to do good works, yet may we not say that they profit to our salvation. For when we have done all, yet we be unprofitable servants, and faith only in Christ's blood saveth us.

Feck. How many Sacraments are there?

Jane. Two. The one the Sacrament of Baptism, and the other the Sacrament of the Lord's Supper.

Feck. No, there are seven.

Jane. By what Scripture find you that?

Feck. Well, we will talk of that hereafter. But what is signified by your two Sacraments?

Jane. By the sacrament of Baptism I am washed with water and regenerated by the spirit, and that washing is a token to me that I am the child of God. The Sacrament of the Lord's Supper offered unto me, is a sure seal and testimony that I am, by the blood of Christ which he shed for me on the cross, made partaker of the everlasting kingdom.

Feck. Why? what do you receive in that Sacrament? Do you not receive the very body and blood of Christ?

Jane. No surely, I do not so believe. I think that at the Supper I neither receive flesh nor blood, but bread and wine: which bread when it is broken, and the wine when it is drunken, putteth me in remembrance how that for my sins the body of Christ was broken, and his blood shed on the cross, and with that bread and wine I receive the benefits that come by the breaking of his body, and shedding of his blood for our sins on the cross.

Feck. Why? Doth not Christ speak these words, 'Take, eat, this is my body?' require you any plainer words? doth he not say it is his body?

Jane. I grant he saith so; and so he saith, 'I am the vine, I am the door,' but he is never the more for the door nor the vine. Doth not Saint Paul say, 'He calleth things that are not as though they were?' God forbid that I should say, that I eat the very natural body and blood of Christ; for then either I should pluck away my redemption, or else there were two bodies or two Christs. One body was tormented on the cross: and if they did eat another body, then had he two bodies; or if his body were eaten, then was it not broken upon the cross, or if it were broken upon the cross, it was not eaten of his disciples.

Feck. Why? Is it not as possible that Christ by his power could make his body both to be eaten and broken, and to be born of a woman without seed of man, as to walk upon the sea having a body, and other such like miracles as he wrought by his power only?

Jane. Yes verily; if God would have done at his Supper any miracle, he might have done so: but I say that then he minded no work nor miracle, but only to break his body, and shed his blood on the cross for our sins. But I pray you to answer me to this one question: where was Christ, when he said, 'Take, eat, this is my body,' Was he not at the table when he said so? he was at that time alive, and suffered not till the next day. What took he but bread, what brake he but bread? And what gave he but bread? Look what he took, he brake: and

look what he brake, he gave; and look what he gave, they did eat: and yet all this while he himself was alive; and at supper before his disciples, or else they were deceived.

Feck. You ground your faith upon such authors as say and unsay both with a breath, and not upon the church; to whom ye ought to give credit.

Jane. No, I ground my faith on God's word, and not upon the Church. For if the Church be a good Church, the faith of the Church must be tried by God's word, and not God's word by the Church, either yet my faith. Shall I believe the Church because of antiquity? or shall I give credit to the Church that taketh away from me the half part of the Lord's Supper, and will not let any man receive it in both kinds? Which thing if they deny to us, then deny they to us part of our salvation. And I say that it is an evil Church, and not the spouse of Christ, but the spouse of the devil, that altereth the Lord's Supper, and both taketh from it, and addeth to it. To that Church (say I) God will add plagues, and from that Church will he take their part out of the book of life: do they learn that of Saint Paul when he ministered to the Corinthians in both kinds? shall I believe this Church? God forbid.

Feck. That was done for a good intent of the Church to avoid an heresy that sprang on it.

Jane. Why? shall the Church alter God's will and ordinance for good intent? How did king Saul? the Lord God defend.

With these and such like persuasions he would have had her lean to the Church, but it would not be. There were many more things whereof they reasoned, but these were the chiefest. After this, Fecknam took his leave, saying, that he was sorry for her; for I am sure quoth he, that we two shall never meet.

Jane. True it is (said she) that we shall never meet, except God turn your heart. For I am assured, unless you repent and turn to God, you are in an evil case: and I pray God, in the bowels of his mercy, to send you his holy spirit: for he hath given you his great gift of utterance, if it pleased him also to open the eyes of your heart.

A Letter of the Lady Jane sent unto her Father.

"FATHER, although it hath pleased God to hasten my death by you, by whom my life should rather have been lengthened: yet can I so patiently take it, as I yield God more hearty thanks for shortening my woeful days, than if all the world had been given unto my possessions with life lengthened at my own will. And albeit I am well assured of your impatient dolours, redoubled manifold ways, both in bewailing your own woe, and especially (as I hear) my unfortunate state, yet my dear father (if I may without offence rejoice in my own mishaps) me seems in this I may account my self blessed that washing my hands with the innocency of my fact, my guiltless blood may cry before the Lord, Mercy to the innocent. And yet though I must needs acknowledge, that being constrained, and, as you wot well enough, continually assayed, in taking upon me I seemed to consent, and therein grievously offended the queen and her laws: yet do I assuredly trust that this my offence towards God is so much the less, in that being in so royal estate as I was, mine inforced honour blended never with mine innocent heart. And thus, good father, I have opened unto you the state wherein I presently stand. Whose death at hand, although to you perhaps it may seem right woeful, to me there is nothing that can be more welcome, than from this vale of misery to aspire to that heavenly throne of all joy and pleasure with Christ our Saviour. In whose steadfast faith (if it may be lawful for the daughter so to write to the father) the Lord that hitherto hath strengthened you, so continue you, that at the last we may meet in heaven with the Father, the Son, and the Holy Ghost."

A Letter written by the lady Jane in the end of the New Testament in Greek, the which she sent unto her sister lady Catherine, the night before she suffered.

"I HAVE here sent you, good sister Catherine, a book, which although it be not outwardly trimmed with gold, yet inwardly it is more worth than precious stones. It is the book (dear sister) of the law of the Lord. It is his testament and last will which he bequeathed unto us wretches: which shall lead you to the path of eternal joy, and if you with a good mind read it, and with an earnest mind do purpose to follow it, it shall bring you to an immortal and everlasting life. It shall teach you to live, and learn you to die. It shall win you more than you should have gained by the possession of your woful father's lands. For, as if God had prospered him, you should have inherited his lands; so if you apply diligently this book, seeking to direct your life after it, you shall be an inheritor of such riches, as neither the covetous shall withdraw from you, neither thief shall steal, neither yet the moths corrupt. Desire with David, good sister, to understand the law of the Lord God. Live still to die, that you by death may purchase eternal life. And trust not that the tenderness of your age shall lengthen your life; for as soon (if God call) goeth the young as the old, and labour always to learn to die. Defy the world, deny the devil, and despise the flesh, and delight yourself only in the Lord. Be penitent for your sins, and yet despair not; be strong in faith, and yet presume not; and desire with St. Paul to be dissolved and to be with Christ, with whom even in death there is life. Be like the good servant, and even at midnight be waking, lest when death cometh and stealeth upon you as a thief in the night, you be with the evil servant found sleeping, and lest for lack of oil, you be found like the five foolish women: and like him that had not on the wedding garment, and then ye be cast out from the

marriage. Rejoice in Christ, as I do. Follow the steps of your master Christ, and take up your cross: lay your sins on his back, and always embrace him. And as touching my death, rejoice as I do (good sister) that I shall be delivered of this corruption, and put on incorruption. For I am assured, that I shall for losing of a mortal life, win an immortal life, the which I pray God grant you, and send you of his grace to live in his fear, and to die in the true Christian faith, from the which (in God's name) I exhort you that you never swerve, neither for hope of life, nor for fear of death. For if you will deny his truth for to lengthen your life, God will deny you, and yet shorten your days. And if you will cleave unto him, he will prolong your days to your comfort and his glory: to the which glory God bring me now, and you hereafter when it pleaseth him to call you. Fare you well, good sister, and put your only trust in God, who only must help you.

Here followeth a certain effectual Prayer, made by the lady Jane in the time of her trouble.

O LORD, thou God and Father of my life, hear me poor and desolate woman, which flyeth unto thee only, in all troubles and miseries. Thou O Lord art the only defender and deliverer of those that put their trust in thee: and therefore I being defiled with sin, encumbered with affliction, unquieted with troubles, wrapped in cares, overwhelmed with miseries, vexed with temptations, and grievously tormented with the long imprisonment of this vile mass of clay my sinful body: do come unto thee (O merciful Saviour) craving thy mercy and help; without the which so little hope of deliverance is left, that I may utterly despair of any liberty. Albeit it is expedient, that seeing our life standeth upon trying, we should be visited sometime with some adversity, whereby we might both be tried whether we be of thy flock or no, and also know thee and ourselves the better: yet thou that saidest thou wouldest not suffer us to be tempted above our power, be merciful unto me now a miserable wretch I beseech thee: which with Solomon do cry unto thee, humbly desiring thee, that I may neither be too much puffed up with prosperity, neither too much pressed down with adversity: lest I being too full, should deny thee my God, or being too low brought should despair, and blaspheme thee my Lord and Saviour. O merciful God, consider my misery best known unto thee, and be thou now unto me a strong tower of defence I humbly require thee. Suffer me not to be tempted above my power, but either be thou a deliverer unto me out of this great misery, either else give me grace patiently to bear thy heavy hand and sharp correction. It was thy right hand that delivered the people of Israel out of the hands of Pharaoh, which for the space of 400 years did oppress them, and keep them in bondage. Let it therefore likewise seem good to thy fatherly goodness, to deliver me, sorrowful wretch (for whom thy son Christ shed his precious blood on the cross) out of this miserable captivity and bondage, wherein I am now. How long wilt thou be absent? For ever? Oh Lord, hast thou forgotten to be gracious, and hast thou shut up thy loving kindness in displeasure? Wilt thou be no more intreated? Is thy mercy clean gone for ever, and thy promise come utterly to an end for evermore? Why doest thou make so long tarrying? shall I despair of thy mercy O God? Far be that from me. I am thy workmanship created in Christ Jesus: give me grace therefore to tarry thy leisure, and patiently to bear thy works; assuredly knowing, that as thou canst, so thou wilt deliver me, when it shall please thee, nothing doubting or mistrusting thy goodness towards me: for thou knowest better what is good for me than I do: therefore do with me in all things what thou wilt, and plague me what way thou wilt. Only in the mean time arm me I beseech thee with thy armour, that I may stand fast, my loins being girded about with verity, having on the breastplate of righteousness, and shod with the shoes prepared by the gospel of peace; above all things taking to me the shield of faith, wherewith I may be able to quench all the fiery darts of the wicked, and taking the helmet of salvation, and the sword of the spirit, which is thy most holy word: praying always with all manner of prayer and supplication, that I may refer myself wholly to thy will, abiding thy pleasure, and comforting myself in those troubles that it shall please thee to send me: seeing such troubles be profitable for me, and seeing I am assuredly persuaded that it cannot be but well all that thou doest. Hear me O merciful Father for his sake, whom thou wouldest should be a sacrifice for my sins: to whom with thee and the Holy Ghost, be all honour and glory. Amen.

After these things thus declared, it remaineth now, coming to the end of this virtuous lady, next to infer the manner of her Execution, with the words and behaviour of her at the time of her death.

The Words and Behaviour of the lady Jane upon the Scaffold.

FIRST when she mounted upon the scaffold, she said to the people standing thereabout: Good people, I am come hither to die, and by a law I am condemned to the same. The fact against the queen's highness was unlawful, and the consenting thereunto by me: but touching the procurement and desire thereof by me or on my behalf, I do wash my hands thereof in innocency before God, and the face of you, good Christian people, this day: and therewith she wrung her hands, wherein she had her book. Then said she, I pray you all good Christian people, to bear me witness that I die a true Christian woman, and that I do look to be saved by no other mean, but only by the mercy of God in the blood of his only son Jesus Christ: and I confess, that when I did know

the word of God, I neglected the same, loved myself and the world, and therefore this plague and punishment is happily and worthily happened unto me for my sins: and yet I thank God of his goodness, that he hath thus given me a time and respite to repent: and now, good people, while I am alive, I pray you assist me with your prayers. And then kneeling down, she turned her to Fecknam, saying: Shall I say this psalm? and he said, Yea. Then said she the psalm of *Miserere mei Deus* in English, in most devout manner throughout to the end, and then she stood up, and gave her maiden mistress Ellen her gloves and handkerchief, and her book to master Bruges, and then she untied her gown, and the hangman pressed upon her to help her off with it, but she desiring him to let her alone, turned towards her two gentlewomen, who helped her off therewith, and also with her frowes, paaft and neckerchief, giving to her a fair handkerchief to knit about her eyes.—Then the hangman kneeled down and asked her forgiveness, whom she forgave most willingly. Then he willed her to stand upon the straw: which doing, she saw the block. Then she said, I pray you dispatch me quickly. Then she kneeled down, saying: Will you take it off before I lay me down? and the hangman said, No, madam. Then tied she the handkerchief about her eyes, and feeling for the block she said: What shall I do? where is it? where is it? One of the standers by guiding her thereunto, she laid her head down upon the block, and then stretched forth her body, and said: Lord, into thy hands I commend my spirit, and so finished her life.

Certain pretty Verses written by the said lady Jane with a pin.

Non aliena putes homini, quæ obtingere possunt:
Sors hodierna mihi, tunc erit illa tibi.
Jane Dudley.

Deo juvante, nil nocet livor malus:
Et non juvante, nil juvat labor gravis.
Post tenebras spero lucem.

Certain Epitaphs written in commendation of the worthy lady Jane Gray.

De Jana Graia Joan. Parkhursti Carmen.

Miraris Janam Graio sermone valere?
Quo primum nata est tempore, Graia fuit.

In historiam Janæ. I. F.

Tu, quibus ista legas incertum est lector, ocellis.
Ipse equidem siccis scribere non potui.

De Jana, D. Laurentii Humfredi decastichon.

Jana jacet sævo non æquæ volnere mortis,
Nobilis ingenio, sanguine, martyrio.
Ingenium Latiis ornavit fœmina musis,
Fœmina virgineo tota dicata choro.
Sanguine clara fuit, regali stirpe creata,
Ipsaque Regina nobilitate throno.
Bis Graia est, pulchrè Graiis nutrita camœnis,
Et prisco Graiûm sanguine creta ducum.
Bis Martyr, sacræ fidei verissima testis:
Atque vacans regni crimine, Jana jacet.

Thus the 12th day of February was beheaded the lady Jane, and with her also the lord Guilford Dudley her husband, one of the duke of Northumberland's sons, two innocents in comparison of them that sat upon them. For they did but ignorantly accept that which the others had willingly devised, and by open proclamation consented to take from others and give to them. And not long after the death of the lady Jane upon the 21st of the same month, was Henry duke of Suffolk her father also beheaded at the Tower Hill, the 4th day after his condemnation: about which time also were condemned for this conspiracy many gentlemen and yeomen, whereof some were executed at London and some in the country. In the number of whom was also lord Thomas Gray, brother to the said duke, being apprehended not long after in North Wales and executed for the same. Sir Nicholas Throgmorton very hardly escaped.

Further Particulars respecting the lady Jane Grey.

LADY Jane Grey was daughter of Henry Grey, marquis of Dorset, by Frances Brandon, daughter of Mary, dowager of France, younger daughter of Henry 7th, and sister to Henry 8th. She was born in 1537, at Bradgate-hall, Leicestershire, and from her very infancy shewed great quickness and comprehension of mind. Under Harding and Aylmer, her father's chaplains, she improved herself in the various branches of learning; and became such a proficient in languages, that she spoke and wrote with astonishing facility, the French, Italian, Latin, and it is said the Greek; and was well skilled in Hebrew, Arabic, and Chaldee. To these high acquirements in literature, were united great beauty, the mildest manners, and the most captivating virtues of humility, benevolence and modesty. Regardless of the pleasures and frivolous occupations of the great, she sought for gratification in reading and in meditation, and she observed to her tutor, Ascham, who found her reading Plato while the rest of the family were hunting in the park, that the sport which they were enjoying, was but a shadow compared to the pleasure which she received from the sublime author. The alliances of her family, however, and their ambition, were too powerful to suffer her to live in her beloved seclusion. No sooner was the declining health of the 6th Edward perceived by his courtiers, than Dudley, duke of Northumberland, prevailed upon the unsuspecting monarch, to settle the crown on his relation, lady Jane, whose attachment to the Reformation was indubitable; and to pass over his sisters Mary and Elizabeth. When this was effected, the artful favourite married his son Guilford Dudley to the future queen, and thus paved the way to the elevation of his own family to the throne. But while others rejoiced in these plans of approaching greatness, Jane alone seemed unconcerned, and when, at last, on Edward's death, she was hailed as queen by her ambitious father-in-law, Northumberland, she refused the proffered dig-

nity, till the authority of her father the duke of Suffolk, and the entreaties of a husband whom she tenderly loved, prevailed upon her reluctantly to consent. She was as usual, conveyed to the Tower, preparatory to her coronation, and she was proclaimed queen in the city, and honoured with all the marks of royalty. This sunshine of prosperity, was, however, but transitory; her rival Mary proved more powerful, and the kingdom seemed to espouse her cause with such loyalty, that Northumberland and Suffolk yielded to the popular voice, and lady Jane, after being treated as queen for a few days, descended again, and with exultation, to privacy. But misfortunes accompanied her fall. She saw her father-in-law and his family; her own father and his numerous adherents, brought to the Tower, and at last expire under the hand of the executioner, and she herself, together with her husband, were to complete the bloody tragedy.

The Compilers of the Biographia Britannica, who have taken great pains in collecting and arranging from the several historians of the time, the particulars relating to this most excellent person, conclude their account of her in these words:

"Lady Jane, and her husband the lord Guilford Dudley, remaining still in confinement, were, on the 3rd of Nov. 1553, carried from the Tower to Guildhall, and with archbishop Cranmer and others arraigned and convicted of high-treason before judge Morgan, who pronounced on them sentence of death, the remembrance of which afterwards affected him so far, that he died raving. From this time the unfortunate lady Jane, and her no less unhappy husband, lived in the very shadow of death, and yet not without some gleams of comfort. For in the month of December, the marquis of Northampton, who in the same cause had fallen into the like circumstances, was pardoned and discharged; and at the same time the strictness of their confinement mitigated, by permission granted to take the air in the queen's garden, and other little indulgences, that would however have been so many acts of cruelty, if the queen had then intended what she afterwards thought fit to inflict. But this, by the consent of our best historians, is allowed to be altogether improbable; and that there are good reasons to believe the queen would have spared lady Jane, since she had already pardoned her father who was much more guilty, and that she would have extended her mercy to lord Guilford Dudley as well as to his elder brothers. However, in the first parliament of her reign, an act was passed for establishing the validity of such private contracts, as were dated during Jane's nine days administration, with a proviso, that all public acts, grants of lands, or the like, if any such there were, should be void. Another act likewise passed for confirming the attainders of Northumberland, Canterbury, and the rest, who had been convicted of high treason, which perhaps was thought necessary, to confirm the opinion of the judges, who had over-ruled their plea; that what they did was in obedience to the supreme authority then subsisting: but whatever hopes lady Jane and her husband might entertain, whatever ease they might enjoy, were quickly taken away by an unhappy event, which it was impossible for them to foresee, and in which it is not so much as pretended that either of them had the least hand. There was a great spirit raised in the nation against the queen's marriage with Philip of Spain; and upon this a general insurrection was concerted, which, if it had been executed with any degree of that prudence shewn in the planning of it, or rather if the Providence of God had not interposed, could scarce have failed of succeeding; sir Tho. Wiat of Kent, a man of a great estate and a greater influence, managed those who were afraid, under colour of this marriage, the kingdom would be delivered up to a foreign prince and his partizans. Sir Peter Carew, in Cornwall, dealt with such as were desirous of seeing the princess Elizabeth upon the throne, and in the arms of Courteney, whom the queen had lately restored to the title of Devonshire, and the duke of Suffolk, to whom danger had in vain preached discretion, and who could not learn loyalty even from mercy, made use of that great interest which his large estates gave him, though he held them by the queen's favour, to mislead her subjects from their duty, and to take up arms against her person. What the real view of this design was even time has not discovered; but by rashness, and misintelligence of those at the head of it, all miscarried. The duke of Suffolk, with his brothers lord John and lord Tho. Grey, were in arms, and with a body of three hundred horse presented themselves before the city of Coventry, in which they had a strong party; but the queen having sent down the earl of Huntingdon, he secured that place, and Suffolk finding his design abortive, and his people dropping away, retired, with as many as he could keep about him, to a house of his in Leicestershire, where, having distributed what money he had to those who were the companions of his fortune, he advised them to shift for themselves, trusting to the promises of one Underwood his park-keeper, who undertook to conceal, and who is suspected to have betrayed him to the earl of Huntingdon, by whom himself and his brother lord John being apprehended, were carried to Coventry, and after some stay there, sent to London, under a guard, where they did not arrive until the 10th of Feb. and were then committed to the Tower, out of which the duke never came but to his trial and to his death. This weak and ill managed business gave the ministers an opportunity of persuading the queen, that her safety could be no otherwise provided for, than by putting lady Jane and her husband to death: to which, a learned prelate assures us, the queen was not wrought without much difficulty; and it is very remarkable, that Sanders makes the very same observation, so that

the truth of it can hardly be called in question. The news of this fatal resolution made no great impression upon this excellent lady; the bitterness of death was passed, she had expected it long, and was so well prepared to meet her fate, that she was very little discomposed. But the queen's charity hurt her more than her justice. The day first fixed for her death was Friday February the 9th, and she had in some measure taken leave of the world, by writing a letter to her unhappy father, who she heard was more disturbed with the thoughts of his being the author of her death, than with the apprehension of his own*. In this serene frame of mind, Dr. Feckenham, Abbot of Westminster, came to her from the queen, who was very desirous she should follow her father in-law's example, and be reconciled to the church of Rome. He was indeed a very fit instrument (if any had been fit) for this purpose; for he had an acute wit, a very plausible manner of speaking, and a great tenderness in his nature. Lady Jane received him with much civility, and behaved towards him with so much calmness and sweetness of temper, that he could not help being overcome with her distress; so that either mistaking or pretending to mistake her meaning, he procured a respite of her execution until the 12th. Yet he did not gain any thing upon her in regard to the design upon which he was sent; on the contrary, though she heard him patiently, yet she answered all his arguments with such strength, such clearness, and such a steadiness of mind, as shewed plainly that religion had been her principal care, and that the hopes of being happy in a future state, from acting according to the dictates of her conscience in this, had fortified her not only against the fears of death, but against all doubts or apprehensions whatever. On the Sunday evening, which was the last she was to spend in this world, she wrote a letter in the Greek tongue, as some say on the blank leaves at the end of a Testament in the same language, which she bequeathed as a legacy to her sister the lady Catherine; which piece of hers, if we had no other left, would be sufficient to render her memory immortal, and therefore the substance of it in English is inserted (see p. 726). The fatal morning being come, the lord Guilford earnestly desired the officers that he might take his last farewell of her. Which though they willingly permitted, yet upon notice she advised the contrary, assuring him, that such a meeting would rather add to his afflictions, than increase that quiet wherewith they had possessed their souls for the stroke of death; that he demanded a lenitive which would put fire into the wound, and that it was to be feared her presence would rather weaken than strengthen him; that he ought to take courage from his reason, and derive constancy from his own heart; that if his soul were not firm and settled, she could not settle it by her eyes nor confirm it by her words; that he should do well to remit this interview to the other world; that there indeed friendships were happy and unions indissolvable, and that theirs would be eternal if their souls carried nothing with them of terrestrial, which might hinder them from rejoicing. All she could do was to give him a farewell out of a window as he passed toward the place of his dissolution, which he suffered on the scaffold on Tower-Hill with much Christian meekness. His dead body being laid in a car and his head wrapped up in a linen cloth, were carried to the chapel within the Tower, in the way to which, they were to pass under the window of the lady Jane; which sad spectacle she likewise beheld, but of her own accord, and not either by accident, or as some, without any colour of truth, have insinuated, by design, and with a view to increase the weight of her afflictions. About an hour after the death of her husband, she was led out by the lieutenant to the scaffold that was prepared upon the green over-against the White-Tower. It is said that the court had once taken a resolution to have her beheaded on the same scaffold with her husband; but considering how much they were both pitied, and how generally lady Jane was beloved, it was determined, to prevent any commotions, that this execution should be performed within the Tower. She was attended to and upon the scaffold by Feckenham, but she was observed not to give much heed to his discourses, keeping her eyes steadily fixed on a book of prayers which she had in her hand, after some short recollection she saluted those who were present with a countenance perfectly composed; then taking leave of Dr. Feckenham, she said, 'God will abundantly requite you, good sir, for your humanity to me, though your discourses gave me more uneasiness than all the terrors of my approaching death.' She next addressed herself to the spectators in a plain and short speech. Then kneeling down she said the Miserere in English, after which she stood up, and gave her women, Mrs. Elizabeth Tilney and Mrs. Helen, her gloves and her handkerchief; and to the lieutenant of the Tower, whom Heylin calls sir John Gage, but Holinshed, Bridges, her prayer-book. When she untied her gown, the executioner offered to assist her, but she desired him to let her alone; and turning to her women, they undressed, and gave her a handkerchief to bind about her eyes. The executioner kneeling, desired her pardon; to which she answered "most willingly." He desiring her to stand upon the straw, which bringing her within sight of the block, she said, I pray dispatch me quickly; adding presently after, Will you take it off before I lay me down? the executioner said, No madam: upon this, the handkerchief being bound close over her eyes, she began to feel for the block, to which she was guided by one of the spectators; when she felt it, she stretched herself forward and said, Lord into thy hands I commend my spirit, and immediately, at one stroke, her head was divided from

* See p. 725.

her body. Her fate was universally deplored, even by those who were best affected to queen Mary; and as she is allowed to have been a princess of great piety, it must certainly have given her much disquiet to begin her reign with such an unusual effusion of blood; and, in the present case, of her near relation, one formerly honoured with her friendship and favour, who had indeed usurped, but without desiring or enjoying, the royal diadem, which she assumed, by the constraint of an ambitious father and an imperious mother; and which, at the first motion, she chearfully and willingly resigned. This made her exceedingly lamented at home and abroad, the fame of her learning and virtue having reached over Europe, so as to excite many commendations, and some express panegyrics in different nations and in different languages. But whereas, some of our own writers seem to doubt whether she was with child or not at the time of her decease, and foreigners have improved this into a direct assertion, that she was five months gone, it seems to be improbable, since there were at that time so many busy and inquisitive people, that if the fact had been true it must have been known, and would have been perpetually repeated in those pieces that were every day sent abroad, in order to exasperate the nation against the queen and her ministers. On the twenty-first of the same month, the father of queen Jane, Henry Grey duke of Suffolk, lost his head upon Tower-hill: neither was the jealousy excited by king Edward's appointment, and their nearness in blood to the royal line, so fully extinguished by the blood of so many victims, but that it revived in the succeeding reign, and proved a new source of disquiet to the sad remains of this unhappy family. We have treated this article the more largely, because hitherto, excepting Heylin, none of our historians have represented the public and private life of this admirable person with any tolerable degree of distinctness; but have been content to hurry over her short possession of the crown, as if it had been an ordinary insurrection, and to speak of her death in general terms of compassion, with an exaggeration of some and a suppression of other circumstances, so as to put it out of the power of the reader to form a just notion of the whole transaction."

The following curious Document, together with the Introduction, is taken from the Somers' Tracts, 4th Col. vol. 1. p. 174:

The INSTRUMENT, *by which Queen* JANE *was proclaimed Queen of England, &c. setting forth the Reasons of her Claim, and her Right to the Crown.*

[Whoever reads the latter part of the life of Henry 8th, will soon be convinced, that he left the succession of the crown so disputable, that it could only be owing to the hand of Providence, that the nation had not, for ever after, been distracted with contrary claims.—His divorces from Catharine of Arragon, and Anne Bullen; the Acts of Parliament confirming those divorces; other subsequent Acts, which seemed to repeal what the first had ordained; the power given to the king, to appoint his successors, and to place them in what order he pleased; and his last Will itself, so embroiled the affair of the succession, that it was left full of obscurity and contradiction. For as the makers of these new laws were not swayed with justice and equity, and calculated, merely to gratify the ambition and schemes of a prince, who would have taken vengeance on those that should act in opposition to his directions, it was not possible to act in such emergencies according to the ancient laws and customs of the realm.—He, after cohabiting with Catharine of Arragon 18 years, and having several children by her, obliged the archbishop of Canterbury to pronounce him divorced from her, and his marriage with her to be null and void; but not before he had contracted a second marriage with Ann Bullen, of which he also grew weary; and, accusing his second queen of adultery, he ordered her to be beheaded, after he had been also publicly divorced from her.—His next step was to obtain an act of parliament, 1536, to confirm both these divorces, and to declare Mary and Elisabeth, the children of these two marriages, illegitimate, and incapable of succeeding to the crown, without his special will and appointment. But in an act, made in 1544, Mary and Elisabeth were declared successively to inherit the crown after Edward, still allowing the king to impose conditions on these two princesses, without which they could have no right to succeed. And Henry made his last Will and Testament in the same manner; by which preferring Edward to be his immediate successor, he left it as his opinion, that his daughters were illegitimate.—Thus far the succession was much disturbed; but what still conduced to embroil it more, was the not mentioning, in his Will, the issue of Margaret queen of Scotland, Henry's eldest sister, and placing the children of his younger sister, Mary, queen dowager of France, and duchess of Suffolk, next to his daughter Elisabeth. And,—To compleat this confusion of claims to the crown, Edward 6th confirmed the act, which declared Mary and Elisabeth illegitimate; abrogated, by his own authority, the act which gave his father power to settle the succession, and, by his own Will, excluded Mary, Elisabeth, and the queen of Scotland from the throne, and conveyed the crown to Jane Grey, by the importunity and ambition of the duke of Northumberland, who was known to hold Edward's council in subjection; and therefore whatever methods were taken before, or after the young king's death, to secure and settle Jane on the throne, and the drawing up and publishing the following proclamation, must be looked upon as the act and deed of the said duke, and not to be ascribed to the council.—This was the state of affairs, when Edward 6th was removed by death, and

by this short recapitulation it may easily be perceived, what a door of divisions and civil wars was opened by Henry 8th and his successor. For, according to their acts and wills, and letters patents, Mary, Elisabeth, the queen of Scotland, and Jane Grey, four princesses, could claim the crown after Edward's death, and each of these princesses could find in these very acts, &c. arguments to oppose the claim of her competitors. Yet only Jane, who, though by far the youngest, was not less endowed with the gifts of nature, and preferable to all her adversaries in the endowments of her mind, and least tainted with the ambitious desire of a crown, was forced by the importunity of her relations to accept of it, and thereby fell a sacrifice to their ambition; as it is excellently well related by Dr. Heylin, in these words in his History of the Reformation. She was eldest daughter of Henry lord Grey, duke of Suffolk. Her mother was the lady Frances, daughter, and, in fine, one of the coheirs of Charles Brandon, the late duke of Suffolk, by Mary his wife, queen dowager to Lewis 12th of France, and youngest daughter of king Henry 7th. She seemed to have been born with those attractions, which seat a sovereignty in the face of most beautiful persons; yet was her mind endued with more excellent charms, than the attractions of her face; modest and mild of disposition, courteous of carriage, and of such affable deportment, as might entitle her to the name of queen of hearts, before she was designed for queen over any subjects. These her native and obliging graces, were accompanied with some more profitable ones, of her own acquiring; which set an higher value on them, and much increased the same, both in worth and lustre. Having attained unto that age, in which other young ladies used to apply themselves to the sports and exercises of their sex, she wholly gave her mind to good arts and sciences, much furthered in that pursuit by the loving care of Mr. Elmer, under whose charge she came to such a large proficiency, that she spake the Latin and Greek tongues, with as sweet a fluency, as if they had been natural and native to her; exactly skilled in the liberal sciences, and perfectly well studied in both kinds of philosophy. Take here a story out of Mr. Ascham's Schoolm. p. 11. in his own words: One example, whether love or fear doth work more in a child, for virtue or learning, I will gladly report; which may be heard with some pleasure, and followed with more profit. Before I went into Germany, I came to Broadgate in Leicestershire, to take my leave of that noble lady, Jane Grey, to whom I was exceeding much beholding. Her parents, the duke and the duchess, with all the houshold, gentlemen and gentlewomen, were hunting in the park; I found her in her chamber, reading Phædon Platonis in Greek, and that with as much delight, as some gentlemen would read a merry tale in Boccace. After salutation, and duty done, with some other talk, I asked her, Why she would lose such pastime in the park? Smiling, she answered me, I know, all their sport in the park is but a shadow to that I find in Plato: Alas! good folk, they never felt what true pleasure meant. And how came you, madam, quoth I, to this deep knowledge, and what did chiefly allure you unto it, seeing not any women, but very few men have attained thereunto? I will tell you, saith she, and tell you a truth, which perchance you will marvel at. One of the greatest benefits, that ever God gave me, is, that he sent me so sharp and severe parents, and so gentle a schoolmaster. For, when I am in presence either of father or mother, whether I speak, keep silence, sit, stand, or go; eat, drink, be merry, or sad; be sowing, playing, dancing, or doing any thing else, I must do it, as it were, in such weight, measure, and number, even so perfectly, as God made the world; or else I am so sharply taunted, so cruelly threatened, yea presently sometimes, with pinches, nips, and bobs, and other ways (which I will not name, for the honour I bear them) so without measure misordered, that I think myself in hell, till the time come that I must go to Mr. Elmer; who teacheth me so gently, so pleasantly, with such fair allurements to learning, that I think all the time nothing, whilst I am with him. And when I am called from him, I fall to weeping, because whatsoever I do else, but learning, is full of grief, trouble, fear, and whole misliking unto me. And thus my book hath been so much my pleasure, and bringeth daily to me more pleasure and more, that in respect of it, all other pleasures, in very deed, be but trifles and troubles unto me. I remember this talk gladly, both because it is so worthy of memory, and because also it was the last talk that ever I had, and the last time that ever I saw that noble and worthy lady. Thus far Mr. Ascham. —By this eminent proficiency in all parts of learning, and an agreeableness in disposition, she became very dear to the young king Edward; to whom Fox not only makes her equal, but doth acknowledge her also to be his superior, in those noble studies. And for an ornament superadded to her other perfections, she was most zealously affected to the true protestant religion, then by law established; which she embraced, not out of any outward compliance with the present current of the times, but because her own most excellent judgment had been fully satisfied in the truth and purity thereof. All which did so endear her to the king, that he took great delight in her conversation. Thus lived she in these sweet contentments, till she came unto the years of marriage, when she, that never found in herself the least spark of ambition, was made the most unhappy instrument of another man's. The proud and aspiring duke of Northumberland treats with the duke of Suffolk, about a marriage between the lord Guilford Dudley, his fourth son, and the lady Jane. The marriage is concluded, and, by Northumberland's policy, the crown is transferred from king Edward, to

his cousin the lady Jane, his two sisters, the lady Mary and lady Elisabeth, being passed by. Memorable is the speech she made to the two dukes, when they owned her for queen, to this effect: That the laws of the kingdom, and natural right, standing for the king's sisters *, she would beware of burthening her weak conscience with a yoke, which did belong to them: That she understood the infamy of those, who had permitted the violation of right, to gain a scepter: That it was to mock God, and deride justice, to scruple at the stealing of a shilling, and not at the usurpation of a crown. Besides (said she) I am not so young, nor so little read in the guiles of fortune, to suffer myself to be taken by them. If she enrich any, it is but to make them the subjects of her spoil: If she raise others, it is but to pleasure herself with their ruins. What she adored, but yesterday, is to-day her pastime. And, if I now permit her to adorn and crown me, I must to-morrow suffer her to crush and tear me in pieces, &c. But the ambition of the two dukes was too strong and violent, to be kept down by any such prudent considerations. So that being wearied at last with their importunities, and overcome by the intreatics of her husband, whom she dearly loved, she submitted unto that necessity which she could not vanquish, yielding her head with more unwillingness to the ravishing glories of a crown, than afterward she did to the stroke of the ax.—Accordingly the duke of Northumberland declared, in his report to the council, that this good lady Jane was so far from aspiring to the crown, as to be rather made to accept of it, by enticement and force. And, The duke had no sooner obtained lady Jane's consent, but it was resolved that the council should move with her into the Tower of London, and that she should be proclaimed in the manner following: A Proclamation, which, for its substance, antiquity, curiosity, and scarceness, well deserves the attention of the reader, and to be preserved from the injuries of time.]

" JANE by the grace of God, queen of England, France, and Ireland, defender of the faith, and of the church of England, and also of Ireland, under Christ, in earth the supreme head. To all our most loving, faithful, and obedient subjects, and to every of them greeting. Whereas our most dear cousin, Edward 6th, late king of England, France, and Ireland, defender of the faith, and in earth the supreme head, under Christ, of the church of England and Ireland, by his letters patents, signed with his own hand, and sealed with his great seal of England, bearing date the 21st day of June, in the 7th year of his reign, in the presence of the most part of his nobles, his counsellors, judges, and divers others grave and sage personages, for the profit and surety of the whole realm thereto assenting, and subscribing their names to the same, hath by the same his letters patents recited, that forasmuch as the imperial crown of this realm, by an act made in the 35th year of the reign of the late king of worthy memory, king Henry 8th, our progenitor and great uncle, was for lack of issue of his body lawfully begotten, and for lack of issue of the body of our said late cousin, king Edward 6th, by the same act limited, and appointed to remain to the lady Mary, by the name of the lady Mary, his eldest daughter, and to the heirs of her body lawfully begotten, and, for default of such issue, the remainder thereof to the lady Elisabeth, by the name of the lady Elisabeth, his second daughter, and to the heirs of her body lawfully begotten, with such conditions, as should be limited and appointed by the said late king of worthy memory, king Henry 8th, our progenitor and great uncle, by his letters patents, under his great seal, or by his last will in writing, signed with his hand. And forasmuch as the said limitation of the imperial crown of this realm, being limited, as is aforesaid, to the said lady Mary and lady Elisabeth, being illegitimate, and not lawfully begotten, for that the marriage had between the said late king, king Henry 8th, our progenitor and great uncle, and the lady Catharine, mother to the said lady Mary, and also the marriage had between the said late king, king Henry the 8th, our progenitor and great uncle, and the lady Anne, mother to the said lady Elisabeth, were clearly and lawfully undone, by sentences of divorces, according to the word of God, and the ecclesiastical laws: And which said several divorcements have been severally ratified, and confirmed by authority of parliament, and especially in the 28th year of the reign of king Henry 8th, our said progenitor and great uncle, remaining in force, strength, and effect, whereby as well the said lady Mary, as also the said lady Elisabeth, to all intents and purposes, are, and have been clearly disabled, to ask, claim, or challenge, the said imperial crown, or any other of the honours, castles, manors, lordships, lands, tenements, or other hereditaments, as heir, or heirs to our late cousin, king Edward 6th, or as heir, or heirs to any other person, or persons whosoever, as well for the cause before rehearsed, as also, for that the said lady Mary, and lady Elisabeth, were unto our said late cousin but of the half blood, and therefore, by the ancient laws, statutes, and customs of this realm, be not inheritable unto our said late cousin, although they had been born in lawful matrimony, as indeed they were not, as by the said sentences of divorce, and the said statute of the 28th of king Henry 8th, our said progenitor and great uncle, plainly appeareth. And forasmuch also as it is to be thought, or, at the least, much to be doubted, that if the said lady Mary, or lady Elisabeth, should hereafter have, and enjoy the said imperial crown of this realm, and should then happen to marry a stranger, born out of this realm, that then the same stranger, having the government and imperial crown in his hands,

* Mary and Elisabeth.

would adhere and practise, not only to bring this noble free realm into the tyranny and servitude of the bishop of Rome, but also to have the laws and customs of his or their own native country or countries to be practised, and put in use within this realm, rather than the laws, statutes, and customs here of long time used; whereupon the title of inheritance of all and singular the subjects of this realm do depend, to the peril of conscience, and the utter subversion of the commonweal of this realm. Whereupon our said late dear cousin weighing and considering with himself, what ways and means were most convenient to be had for the stay of the said succession in the said imperial crown, if it should please God to call our said late cousin out of this transitory life, having no issue of his body, and calling to his remembrance, that we and the lady Catharine, and the lady Mary, our sisters, being the daughters of the lady Frances our natural mother, and then and yet wife to our natural and most loving father, Henry, duke of Suffolk, and the lady Margaret, daughter of the lady Eleanor, then deceased sister to the said lady Frances, and the late wife of our cousin Henry earl of Cumberland, were very nigh of his grace's blood of the part of his father's side, our said progenitor and great uncle; and being naturally born here within the realm, and for the very good opinion our said late cousin had of our and our said sisters and cousin Margaret's good education, did therefore upon good deliberation and advice herein had and taken, by his said letters patents declare, order, assign, limit, and appoint, that if it should fortune himself our said late cousin king Edward the 6th to decease, having no issue of his body lawfully begotten, that then the said Imperial Crown of England and Ireland, and the confines of the same, and his title to the crown of the realm of France, and all and singular honours, castles, prerogatives, privileges, pre-eminences, authorities, jurisdictions, dominions, possessions, and hereditaments, to our said late cousin king Edward the 6th, or to the said Imperial Crown belonging, or in any wise appertaining, should for lack of such issue of his body remain, come, and be unto the eldest son of the body of the said lady Frances lawfully begotten, being born into the world in his life time, and to the heirs male of the body of the same eldest son lawfully begotten, and so from son to son, as he should be of antienty in birth, of the body of the said lady Frances lawfully begotten, being born into the world in our said late cousin's life-time, and to the heirs male of the body of every such son lawfully begotten, and for default of such son born into the world in his life-time, of the body of the said lady Frances lawfully begotten; and for lack of heirs male of every such son lawfully begotten, that then the said Imperial Crown, and all and singular other the premises should remain, come, and be to us by the name of the lady Jane, eldest daughter of the said lady Frances, and to the heirs male of our body lawfully begotten, and for lack of such heir male of our body lawfully begotten, that then the said Imperial Crown, and all other the premises, should remain, come, and be to the said lady Catherine, our said second sister, and to the heirs male of the body of the said lady Catherine lawfully begotten, with divers other remainders, as by the same letters patents more plainly, and at large it may, and doth appear. Sithence the making of which letters patents, that is to say on Thursday, which was the sixth day of this instant month of July, it hath pleased God to call to his infinite mercy, our said most dear and intire beloved cousin Edward the 6th, whose soul God pardon; and for as much as he is now deceased, having no heirs of his body begotten, and that also there remain at this present time, no heirs lawfully begotten of the body of our said progenitor and great uncle king Henry the 8th; and for as much also as the said lady Frances our said mother, had no issue male begotten of her body, and born into the world in the life-time of our said cousin king Edward the 6th, so as the said Imperial Crown, and other the premises to the same belonging, or in any wise appertaining, now be, and remain to us in our actual and royal possession, by authority of the said letters patents: we do therefore by these presents signify unto all our most loving, faithful, and obedient subjects, that like as we for our part, shall by God's grace, shew ourselves a most gracious and benign sovereign queen and lady, to all our good subjects, in all their just and lawful suits and causes, and to the uttermost of our power, shall preserve and maintain God's most holy word, christian policy, and the good laws, customs, and liberties of these our realms and dominions; so we mistrust not but they and every of them will again for their parts, at all times, and in all cases, shew themselves unto us their natural liege queen and lady, most faithful, loving, and obedient subjects, according to their bounden duties and allegiances, whereby they shall please God, and do the thing that shall tend to their own preservations and sureties; willing and commanding all men of all estates, degrees, and conditions, to see our peace and accord kept, and to be obedient to our laws, as they tender our favour, and will answer for the contrary at their extreme perils. In witness whereof, we have caused these our letters to be made patents. Witness ourself, at our Tower of London, the 10th day of July, in the 1st year of our reign." A. D. 1553.

God save the QUEEN.

Londoni, in ædibus Ricardi Graftoni, Reginæ a typographia excusum. Cum privilegio ad imprimendum solum.

As Mary rested her Claim to the Crown of England upon the WILL of her father Henry the 8th, and as lady Jane Grey's pretensions rested on the Will of king Edward the 6th, it is thought proper to insert in this place, those

two curious and important Instruments. Both are in the Cottonian MSS. in the British Museum; the former is likewise in the Prerogative Office, Doctors' Commons, and the Chapter House, at Westminster.

The WILL of King Henry the Eighth.

(From the Original, deposited among the Records in the Chapter House at Westminster; of which it is, as far as possible, a fac simile.)

"Henry R'

In the name of God and of the glorious and blessed virgin our Lady Sainct Mary and of all the holy cumpany of Heaven We Henry by the grace of God King of England Fraunce and Irland defendeur of the faith and in erth ymmedyately under God the Supreme Hed of the church of England and Irland of that name theight calling to our remembraunce the great gifts and benifits of Almighty God give unto us in this transitory lief give unto him our moost lowly and humble thanks knowelidging ourself insuffici't in any part to desayer or recompence the same But feare that we have not worthely received the same And consydering further w't ourself that we be as all mankind is mortall and born in sinne beleving nevertheles and hoping that every chr'en creatur lyving here in this transitory and wretched woorld under God dying in stedfast and p'faict faith endevoring and exercising himself to execute in his lief tyme if he have leas'r such good dedes and charitable works as scripture demaundeth and as may be to the honour and pleas'r of God is ordeynid by Christs passion to be saved and to atteyn eternall lief of which nombre we verily trust by his grace to be oon And that every Creature the more high that he is in estate honour and authorite in this woorld the more he is bounde to love s'rve and thank God and the more diligently to endeavo'r himself to do good and charitable works to the Lawde honour and praise of Almighty God and the profit of his sowle We also calling to our remembraunce the dignite estate hono'r rule and gouvern'nce that Almighty God hath called us unto in this woorld and that neith'r we nor any oth'r creature mortall knowith the tyme place whenne ne where it shall pleas Almighty God to call him out of this transitory woorld willing therefor and minding wt' God's grace before o'r passage out of the same to dispose & order our latter mynd will and Testament in that sort as We trust it shal be acceptable to Almighty God, o'r only Savyour Jesus Christ and all the hole cumpany of Heaven and the due satisfaction of all godly brethern in erth Have therefore nowe being of hole and p'faict mynde adhering holy to the right faith of Christ and his doctrine, repenting also our old and destestable lief and being in p'faict will and mynde by his grace never to return to the same nor such like and minding by Godes grace never to vary therefro as long as any remembraunce breth or inward knowledge doth or may remayn wt' in this mortal body Moost humbly and hartly do commend and bequeyth our Soule to Almighty God who in personne of the Sonne redeamed the same wt' his moost precious body and blood in tyme of his passion And for our better remembraunce thereof hath left here wt' us in his Church militant the consecration and administration of his precious body and blood to our no little consolation and comfort (if we as thankfully accept the same as he lovingly and undes'ved on mannes behalf hath ordeined it for our only benifit and not his) Also we do instantly requyer and desyre the blessed virgin Mary his mother wt' all the holy cumpany of Heaven contynually to pray for us and wt' us whiles we lyve in this woorld and in the tyme of passing out of the same that we may the soner atteyn everlasting lief after our departure out of this transitory lief which we do both hope and clayme by Christs passion and woord And as for my body which whenne the Soul is departed shall thenne remayn but as a Cadaver and so return to the vile mater it was made of wer it not for the Crownn and Diguitye which God hath called us unto and that we woold not be noted an Infringer of honest worldly policies and custumes whenne they be not contrary to Godes lawes we woold be content to have it buryed in any place accustomid for chr'en folks wer it never so vile, ffor it is but ashes and to ashes it shal again Nevertheles bicaus we woold be lothe in the reputation of the people to do injurye to the dignitie which we unworthely ar callid unto We ar content and also by these p'nts our last will and Testament do will and ordeyn that our body be buryid and Tenterred in the Quere of our College of Windesor midway betwe' the Stalls and the high Aultarr and there to be made and sett as sone as conveniently may be doon after our deceasse by our executours at our costes & charg's if it be not done by us in our lief tyme an honorable tombe for our bones to rest in which is well onward and almoost made therefor alredye wt' a fayre grate about it, in which we will also that the bones and body of our true and loving wief Quene Jane be put also And that there be provided ordeyned made and sett at the costs and charg's of us or of our executours if it be not done in our lyf a convenient aulter honorably prepared and apparailled wt' all maner of things requisite and necessary for dayly masses there to be sayd perpetually while the woorld shal endure Also we will that the Tombes & Aultars of King Henry the vj' and also of King Edwarth the fourth our great Uncle and Grauntfather be made more princely in the same places where they now be at our charg's. And also will and sp'ially desyre and requyre that where and whensoever it shall pleas God to call us out of this woorld transitory to his infinite mercy and grace be it beyonde the Sea or in any other place w'out our realme of Englande or wi'n the same that our Executours as sone as conveniently they may shall cause all divine s'vice accustumed for dead folks to be celebrated for us in the nixt and moost propur place where it shall fortune us to depart out of this transitory

lief And over that we will that whensoever or wheresoever it shall pleas God to call us out of this transitory lief to his infinite mercy and grace be it w'in this realme or w'out that our executours in as goodly brief and convenient hast as they reasonably canne or may ordeyn prepare and cause our body to be removed conveyed and brought in to the sayde College of Windesor and the s'vice of Placebo and Dirige wt' a Sermon and Masse on the Morowe at our cost's and charg's devoutely to be don obs'ved and solemply kept there to be buryed and enterred in the place appointed for our sayd Tombe to be made for the same entent And all this to be doon is as devout wise as canne or may be doon. And we will and charge our executours that they dispose and gyve in almes to the moost poore & nedy people that may be found commyn beggars as moch as may be avoyded in as short space as possibly they may after our departure out of this transitory lief oon thousand marks of lawfull money of Englande, part in the same place and thereabouts where it shall pleas Almighty God to call us to his mercy, part by the waye and part in the same place of our buryall after their discretions and to move the poor people that shall have our almez to pray hartly unto God for remission of our offenses and the wealth of our Soull. Also we woll that w'th as convenient spede as may be doon after our departure out of this woorld if it be not doon in our lief that the Deane and Channons of our free Chaple of Sainct George w'in our Caster of Windesor shall have manours Lands ten'ts and spir'all promotions to the yerely value of six hundred pounds over all charg's made suer to them and their successours for ever upon these conditions hereafter ensuyng and for the due and full accomplishment and parformaunce of all other things conteyned wt' the same in the forme of an Indenture signed wt' our own hande which shal be passed by waye of coven'nt for that purpose betwe' the sayd Deane and Cannons and our executours if it passe not betwe' us and the sayd Deane and Cannons in our lief that is to saye the sayd Deane and Ca'nons and theyr successours for ever shall fynde twoo priestes to say masses at the sayd Aulter to be made where we have before appointed our tombe to be made and stand And also after our deceasse kepe yerely foure solempne obits for us w'in the sayd College of Wyndesour and at every of the same obits to cause a solempne sermon to be made And also at every of the sayd obits to give to poore people in almez tenne pounds And also to gyve for ever yerly to thirtene poore men which shalbe called poore knightes to every of them twelf pens every daye and ones in the year yerely for ever a long goune of white cloth wt' the garter upon the brest embrodeired wt' a shelde and crosse of Sainct George w'in the garter and a mantel of red cloth and to such one of the sayd thirtene poore knightes as shalbe appointed to be hed and gouvernour of them iij*li.* vjs. viij*d.* yerely for ever over and besides the sayd twelf pennes by the daye And also to cause every Sonday in the yeir for ever a sermon to be made for ever at Windeso'r aforsayde as in the sayd Indenture and Couvenaunt shalbe more freelly and p'ticulerly expressed willing charging and requyring our sonne Prince Edward, all our Executours and Counsaillours which shal be named hereafter and all other our heires and successours which shal be kinges of this realme as they will answer before Almighty God at the dredfull daye of Judgeme't that they and every of them do see that the sayd Indenture and assurance to be made betwen us and the sayd Deane and Channons or betwe' them and our executours and all thinges therin conteynid may be duely put in execution and obs'ved and kept for ever perpetuelly according to this our last will and testament. And as concerning the ordre and disposition of thimperial crou'ne of this Realme of England and Irland wt' our title of Fraunce and all Dignityes honours preeminences prerogatives authorities and jurisdictions to the same annexed or belonging and for the sure establishement of the succession of the same And also for a full and plain gift disposition assignement declaration limitation and appointement wt' what conditions our Doughters Mary and Elizabeth shall severally have hold and enjoye the sayd imperial Crowne and other the premiss's after our deceasse and for default of issue and heyres of the severall bodyes of us and of our sonne prince Edward laufully begotten and his heyres. And also for a full gift disposition assignement declaration limitation and appointement to whom and of what estate and in what maner forme and condition the sayde Imperial Crowne and other the premiss's shall remayn and cum after our deceasse and for default of Issue and heyres of the several bodyes of us and of our sayd sonne prince Edwarde and of our sayd doughters Mary and Elizabeth laufully begotten We by these p'nts do make and declare our Last Will and testament concerning the said Imperial Crowne and all other the premiss's in maner and forme folowing That is to saye we will by these p'nts that imedyately after our departure out of this p'nt lief Our sayd sonne Edward shall have and enjoye the sayd imperial Crowne and Realme of Englande and Irlande our title to Fraunce wt' all dignityes honours preeminenc'es prerogatives authorites and Jurisdictions Lands and possessions to the same annexed or belouging to him and to his heyres of his body laufully begotte' And for default of such Issue of our sayd sonne prince Edwardes bodye laufully begotte' we will the sayd imperiall crown and other the premisses after our two deceasses shall holly remayn and cum to the heyres of our body lau ully begotte' of the body of our entierly beloved wief Quene Katheryn that now is or of any oth'rs our laufull wief that we shall herafter mary And for lack of such Issue and heyres we will also that after our deceasse and for default of heyres of the severall bodyes of us and of our said sonne prince Edwarde laufully begotte' the said imperial Crown and all

ether the premiss's shall holly remayn and cum to our sayd Doughter Mary and the heyres of her body laufully begotte' upon condition that our sayd doughter Mary after our deceasse shall not mary ne take any personne to her husbande w'out the assent and consent of the pryvey consaillours and others appoincted by us to be of counsail wt' our deerest sonne prince Edwarde aforsayd to be of counsail or of the moost part of them or the most of such as shall thence be alyve therunto before the said mariage had in writting sealed wt' their seales. All which condition we declare limite appoinct and will by these p'nts shalbe knitt and invested to the sayd estate of our sayd doughter Mary in the sayde Imperial Crou'n and oth' the premiss' And if it fortune our sayd Doughter Mary to dye w'out issue of her body laufully begotte' We will that after our deceasse and for default of Issue of the severall bodyes of us and our sayd sonne prince Edwarde laufully begotte' and of our Doughter Mary the sayd imperial crown and oth'r the p'misses shall holly remayn' and cum to our sayd Doughter Elizabeth and to the heyres of her body laufully begotte' Upon condition that our sayd doughter Elizabeth after our deceasse shall not mary nor take any p'sonne to her husbande w'out the assent and consent of the priviey Counsaillours and others appoicnted by us to be of counsaill' w't our sayd deerest sonne prince Edwarde or the moost p't of them or the moost p't of such of them as shalbe thenne on lyve thereunto before the same mariage had in writting sealed w't their seales which condition we declare limitt appoinct and will by these p'nts shalbe to the sayd estate of our sayd Doughter Elizabeth in the sayd imperial Crown and oth'r the premiss's knitt and invested And if it shall fortune our sayd Doughter Elizabeth to dye w'out Issue of her body laufully begotte' We will that after our deceass' and for default of issue of the severall bodyes of us and of our sayd sonne prince Edwarde and of our sayd Doughters Mary and Elizabeth [laufully begotte'*] We will that the sayd imperial crou'n and othe' the premiss's after our deceasse and for default of thissue of the several bodyes of us and of our sayd sonne prince Edwarde and of our sayd Doughters Mary and Elizabeth laufully begotte' shall holly remayn and cum to the heyres of the body of the Lady Fraunc's our Niepce eldest doughter to our late suster the French Quene laufully begotten and for default of such issue of the body of the sayd Lady Fraunc's we will that the sayd imperial Crou'n and other the premiss's after our deceasse and for default of issue of the several bodys of us and of our sonne prince Edwarde and of our Doughters Mary and Elizabeth' and of the lady Fraunc's laufully begotte' shall holly remayn and cum to the heyres of the bodye of the Lady Elyanore our niepce second Doughter to our sayd late Sister the French Quene laufully begotte' And if it happen the sayd Lady Elyanore to dye w'out issue of her body laufully begotte' We will that after our deceass' and for default of issue of the several bodys of us and of our sayd sonne prince Edwarde and of our said Doughters Mary and Elizabeth and of the sayd Lady Fraunc's and of the sayd Lady Elyanor laufully begotte' the sayd imperial Croun' and other the premisses shall holy remayn and cum to the next rightfull heyres Also We will that if our sayd Doughter Mary doo mary w'out the consent and agreement of the pryvey counsaillours and others appoincted by us to be of counsail to our sayd sonne prince Edwarde or the moost part of them or the moost part of such of them as shall thenne be alyve therunto before the said mariage had in writting sealed wt' their seales as is aforsaid that thenne and from thensforth for lack of heyres of the several bodyes of us and of our said sonne prince Edwarde laufully begotte' the sayde imperial croun and other the premiss's shall holly remayn be and cum to our sayd Doughter Elizabeth and to the heyres of her body laufully begotten in such maner and forme as though our sayd doughter Mary wer thenne dead w'out any yssue of the body of our sayd doughter Mary laufully begotte' Any thing conteyned in this our will or in any act of parliament or statute to the contrary in any wise notw'standing And in Case our sayd doughter the Lady Mary do kepe and parforme the sayd condition expressed declared and limited to her estate in the sayd imperial crown and other the premiss's by this our last will declared And that our sayd doughter Elizabeth for her p'te do not kepe and parforme the sayd condicion declared and limited by this our Last Will to the estate of the sayd Lady Elizabeth in the sayd imperial croun of this realme of England and Irlande and other the premiss's We will that thenne and from thensforth' after our deceas and for lack of heyres of the several bodyes of us and of our sayd sonne prince Edwarde and of our said doughter Mary laufully begotte' the said imperiall crown and other the premiss's shall holly remayn and cum to the next heyres laufully begotte' of the body of the sayd Lady Fraunc's in such maner and forme as though the sayd Lady Elizabeth wer then dead w'out any heyre of her body laufully begotten Any thing conteyned in this will' or in any act or statute to the contrary notwithstanding The remainders over for lack of issue of the sayde Lady Frauncis laufully begotte' to be and contynue to such personnes like remaindres and estat's as is before limited and declared.

Also We being now at this tyme thanks be to Almighty God of p'faict memory do constitute and ordeyn these p'sonnag's following our executours & parformers of this our last will and Testament Willing com'nding and praing them to take upon them thoccupation and parformaunce of the same as executours That is to saye Tharchebishop of Canterbury, The Lord Wriothesley Chauncelour of Englande, The Lord St. John great M'r of our house, Th'erle of Hertford great Chambrelain of Englande,

* Erased in the Original.

The Lord Russel lord privey Seale, The Viscount Lisle high admiral of Englande, The bishop Tunstall of Duresme, Sir Anthony Broun' knight M'r of our horse, Sir Edward Montagu knight chief Juge of the co'myn place, Justice Bromley, S'r Edward North' knight Chauncelour of thaugmentac'ons, Sir Will'm Paget knight Chief Secretary, Sir Anthony Denny, S'r Will'm Harbard knights chief gentlemen of our privey chambre, S'r Edward Wootton knight and M'r Doctor Wootton his brother, and all these We woll to be o'r executours and counsaillours of the privey Counsail wt' our said sonne prince Edwarde in all maters concerning both his private affayres and publicq' affayres of the Realme Willing and charging them and every of them as they must and shall aunswer at the day of Judgement truely and fully to see this my Last Will p'formed in all things wt' asmoch spede and diligence as may be and that noon of them presume to medle wt' any of our treas'r or to do any thing appointcted by our sayd will alone onles the moost part of the hole nombre of their coexecutours doo consent and by writting agree to the same And will that our said executours or the moost p't of them may laufully do what they shall think moost convenient for th'execution of this our Will w'out being troublid by our sayd sonne or any others for the same Willing further by this our Last Will and testament that S'r Edmund Peckh'm our trusty s'vaunt and yet Coferar of our house shalbe Treasorer and have the receipt and layng out of all such treas'r and money as shalbe defrayed by our executours for the p'formaunce of this o'r last will straictly chardging and co'maunding the sayd S'r Edmunde that he pay no great sonme of money but he have furst the hand's of our said executours or of the moost part of them for his discharge touching the same, charging him further upon his allegeaunce to make a true accompt of all such sommes as shalbe delivred to his hands for this purpose. And sithens we have now named and constituted our executours We woll and charge them that furst and above all thinges as they will aunswer before god and as We putt our singuler trust and confidence in them that they cause all our due debts that can be reasonnably shewed and proved before them to be truely contented and paye assone as they conveniently can or may after o'r deceas w'out longer delaye And that they do execute these poincts furst That is to say the payment of our debts wt' redres of Injuries if any such can be duely proved though to us they be unknown before any oth'r part of this our Will and Testament, our buryall Exequyes and funerall only excepted.

Furthermore We woll that all such graunt's and gift's as we have made gyve' or promised to any which be not yet p'faicted under our Signe or any our seales as they ought to be, and all such recompenses for exchaunges sales or any oth'r thing or thing's as ought to have been made by us and be not yet accomplished shalbe p'faicted in every point toward's all maner of men for discharge of our conscience charging our executours and all the rest of our counsaillo's to see the same done p'formed finished and accomplished in every poinct forseing that the sayd gifts graunt's promiss' and recompens' shall appeir to our sayd executours or the moost p't of them to have been graunted made accorded or promesed by us in any maner wise.

Further according to the Lawes of Almighty God and for the fatherly love which we beare to our sonne Prince Edwarde and to this our Realme We declare him according to justice equite and conscience to be our Laufull heyer and do gyve and bequeith unto him the Succession of our Realmes of England and Irlande wt' our title of Fraunce & all our dominions both on this side the Sees and beyonde (a convenient portion for our will and testament to be res'ved) Also We give unto him all our plate stuff of household Artillery Ordenaunce Munitions Ships Cabells and all other things & implements to them belonging and money also and Jewels saving such portions as shall satisfye this our last will and Testament charging and commaunding him on peyn of our Curse seing he hath so loving a father of us and that our chief labour and studye in this woorld is to establishe him in the croun' imperial of this Realme after our deceass' in such sort as may be pleasing to God, and to the wealth' of this realme and to his oun honour and quyet that he be ordred and ruled both in his mariage and also in ordering of thaffaires of the Realme as well outward as inwarde and also in all his oun private affayres and in gyving of offices of charge by thadvise and counsail of our right entierly beloved Counsaillours th'archebishop of Canterbury, the lord Wriothesley Chauncelour of England, The lord St. John great Mr of our house, The Lord Russel Lord privey seale, Th'erle of Hertford great Chambrelaine of Englande, The Visconte Lisle, high Admiral of Englande, The Bishop of Duresme Tunstall, Sir Anthonye Broun Mr of our hors', Sr Willm Paget o'r chief Secretarye Sir Anthony Denny, Sir Willm Herberd, Justices Montague and Bromley, Sr Edward Wootton and Mr Doctor Wootton and Sr Edward North whom We ordeyn name and appoinct and by these p'nts signed w't our Hand do make and constitute of privey counsail w't our sayd sonne, and woll that they have the gouvernement of our moost deere sonne prince Edward and of all our Realmes, Dominions and Subgects and of all the affayres publicq and private until he shall have fully accompleted the eightenth yeir of his age. And for bicaus the variete and nombre of thing's affayres and maters ar and may be such as We not knowing the certainty of them before cannot conveniently prescribe a certain order or Rule unto our forsayd Counsaillors for their behaviours and procedings in this charge which We have now & do appoinct unto them about our sayd sonne during the tyme of his minorite aforsayde We therefor for the sp'iall trust and confidence which we have

in them woll and by these p'nts do give and graunt full powre and authorite unto our sayd Consaillours that they all or the moost part of them being assembled togidres in counsaill or if any of them fortune to dye the more part of them which shalbe for the tyme lyving being assembled in Counsaill togidres shall and may make divise and ordeyn what thing's soever they or the more part of them as aforsayd shall during the minorite aforsayde of our said sonne think meet necessary or convenient for the benifit honour and suretye or the weale profet or commodytye of our sayd Sonne, his Realmes, Dominions or Subgects or the discharge of o'r conscience And the same thing's devised made or ordeyned by them or the more part of them as aforsayd shall and may laufully do execute and accomplishe or cause to be done executed and accomplished by their discretions or the discretions of the more part of them as aforsayde In as large and ample maner as if we had or did expresse unto them by a more sp'iall Commission under our great Seale of Englande every particuler cause that may chaunce or occurre during the tyme of our sonnes sayde minorite and the self same maner of proceding' which they shall for the tyme think meet to use and folowe Willing and charging' our sayd sonne and all others which shall hereafter be Counsaillours to our sayd sonne that they never charge molest trouble nor disquyet o'r forsayde Counsaillours nor any of them for the devising or doing nor any oth'r personne for the doing of that they shall devise or the more part of them devise or do assemled as aforesuid. And We do charge expressely the same our entierly beloved Counsaillours and executours that they shall take upon them the rule and charge of our sayd sonne and heyre in all his causes and affayres and of the hole Realme doing nevertheles all thinges as under him and in his name until our sayde sonne and heyre shalbe bestowed and maryed by their advise and that the eighteenth yere be expyred. Willing and desyring furthermore our forsayd trusty Counsaillours and they all our trusty and assured s'vaunts and thirdly all other our Loving Subgects to ayde and assist our fornamed Counsaillours in thexecution of the premiss's during' the forsayd tyme Not doubting but they will in all thing's deale so truely and uprightly as they shall have cause to think them well chosen for the charge committed unto them. Straictly charging our sayd Counsaillours and executours and in Godds name we exhort them that for the singuler trust and special confidence which we have and ever had in them to have a due and diligent eye perfaict zeale love and affection to the honour surety estate and dignitye of our sayd sonne and the good state and prosperite of this our Realme And that all delayes sett a part they will ayde and assist our sayde Counsaillours and executours to the p'formaunce of this our present Testament and Last Will in every part as they will aunswer befor God at the Daye of judgeme't cum venerit Judicare vivos et mortuos. And furthermore for the sp'iall trust and confidence which we have in the Erles of Arundel and Essex that now be, Sir Thomas Cheney knight Treasorer of our Household, Sir Joh' Gage knight, Comptroller of our household, Sir Anthony Wingfield, knight our Vichambrelayn, Sir Will'm Petre knight oon of our twoo principall Secretarys, Sir Richard Riche knight, Sir John Baker knight, Sir Rafe Sadleyr knight, Sir Thomas Seymour knight, Sir Richard Southwell and Sir Edmunde Peckh'm knights they and every of them shalbe of Counsail for the ayding and assisting of the fornamed Counsaillours and our executours whenne they or any of them shalbe called by our said executours or the more p't of the same

Item We bequethe to our doughters Mary and Elizabeth's mariag's they being maried to any outward potentate by thadvise of the forsayd Counsaillours if we bestowe them not in our lief tyme ten thousands pounds in money plate Jewels and household stuff for ech of them or a larger somme as to the discretion of our executours or the more part of them shalbe thought convenient Willing them on my blessings to be ordered as wel in mariage as in all other laufull thinges by thadvise of our forsayde Counsaillours and in cace they will not thenne the somme to be minished at the Counsaillours discretion.

Further our Will is that from the furst hower of our death until such tyme as the sayde Counsaillours canne provide either of them or both of sum honorable mariages they shall have eche of them thre thousand pounds' ultra reprisas to lyve on Willing and charging the forsayde Counsaillours to limite and appoinct to eith'r of them such sage Officers and ministres for ordering' therof as it may be employed both to our honour and theirs.

And for the great love obedyence chastnes of lief and wisedom being in our fornamed Wiefe and Quene We bequeth unto her for her proper use and it shall pleas her to ordre it thre thousand pounds in plate Jewels and Stuff of household besides such apparail as it shall pleas her to take of such as she hath alredy And furthr' We gyve unto her one thousand pounds in money wt' the enjoying of her Dower and Joynter according to our graunt by Act of Parliament.

Furthermore for the kindnes and good s'vice that our sayd executours have shewed unto us We give and bequethe unto eche of them such som'es of money or the value of the same as hereafter ensuith; firste to Tharchebishop of Cantorbury v-c m'rks. To the Lord Wriothesley v-c li. To the Lord Seint John v-c li. To the Lord Russell v-c li. To Therle of Hertford v-c li. To the Visconte Lisle v-c li. To the bishop of Duresme ccc li. To Sir Anthonye Broun' ccc li. To Sir Will'm Paget ccc li. To Sir Anthony Denny ccc li. To Sir Will'm Herberd, c.c.c. li. To Justice Montague ccc. li. To Justice Bromley ccc. li. To Sir Edward North ccc li. To Sir Edward Wootton ccc li. To Mr Doctor Wootton c,c,c, li. Also for

the sp'iall love and favour that we beare to our trusty Counsaillours and oth'r our sayd S'vaunts hereafter folowing We give and bequeyth unto them such somes of money or the value therof as is totted upon their hedes. furst to Therle of Essex cc. li. To Sir Thomas Cheney cc. li. To the Lord Herberd cc. li. To Sir John Gage cc. li. To Sir Thomas Seymour cc. li. To Sir John Gates cc. li. To Sir T. Darcy knight cc li. To Sir Thomas Speke knight cc mks. To Sir Philp Hobby knight cc mks. Sir Thomas Paston cc mks. To Sir Maurice Barkley cc mks. To Sir Rafe Sadleyr cc. li. To Sir Thomas Carden cc li. To Sir Peter Meu'tes cc. mks. To Edward Bellingham cc. mks. To Thomas Audeley cc mks, To Edmunde Harman cc mks. To John Pen. c mks. To Henry Nevel c. li. To Symbarbe c. li. To . . . . Cooke c. li. To John Osburn, c. li. To David Vincent c. li. To James Rufforth keper of our hous here c. mks. To . . . . Cecill yoman of our Robes c. mks. To . . . . Sternhold grome of our robes c. mks. To John Rouland page of our robes L. li. To therle of Arundell Lord Chambrelain cc. li. To Sir Anthony Wingfield Vicechamberlain cc. li. To Sir Edmund Peckham, cc. li. To Sir Richard Riche cc. li. To Sir John Baker cc. li. To Sir Richard Southwell cc. li. To Mr Doctor Owen c. li. To Mr Doctor Wendy c. li. To Mr Doctor Cromer c. li. To . . . . . Alsopp. To Patrick. . . . . c. mks. To . . . . . Ayliff c. mks. To . . . . Ferrys c. mks. To Henry . . . . c. mks. To . . . . Hollande c. mks. To the foure Gentilmen huishers of our chambre being dayly wayters cc. li. in all.

And We will also that our Executours or the more p't of them shall gyve orders for the payments of such Legacyes as they shall think meet to such our ordenary s'vaunts as unto whom we have not appoincted any legacye by this our p'nt Testament.

Finally this present writting in paper We do ordeyn and make our last Will and Testament, and will the same to be reputed and taken to all entents and purpos' for our good strong vaillable moost p'fait and last Will and Testament, and do declare all other Wills and Testaments made at any tyme by us to be voyd and of non effect. In witnes wherof We have signed it w't our hand in our Palays of Westm'r the Thirty Day of Decembre in the yeir of our Lord God, a thousand five hundred fourty and six after the computation of the church of England and of our reign' the eight and thirty yere, being present and called to be witnesses these personnes which have writte' their names her'under.

HENRY R'.

John Gates.

George Owen.	E. Harman
Thomas Wendye	Wyllyam Sayntbarbe
Robert Huycke	Henry Nevell.
	Rychard Coke
	David Vincent
W. Clerk.	Parzet

N. B. The Royal Signet is affixed to the Will, and is perfect.

THE WILL OF KING EDWARD THE SIXTH.

A true Copy of the counterfeit WILL* supposed to be the last Will and Testament of king Edward the Sixth. Forged and published under the Great Seal of England by the Confederacy of the Dukes of Suffolk and Northumberland on the behalf of the Lady Jane, eldest Daughter to the said Duke of Suffolk, and testified with the hands of 101 of the Nobility and principal men of note of this Kingdom dated the 21st day of June Anno 1553.

EDWARD the Sixth by the Grace of God King of England France and Ireland Defender of the Faith and the Church of England and also of Ireland in each the supreme head to all our nobles and other our good loving faithful and obedient subjects Greeting in our Lord God everlasting, for as much as it hath pleased the goodness of Almighty God to visit us with a long and weary sickness whereby we do feel our self to be with the same partly grown into some weakness, Albeit not doubting in the grace and goodness of God but to be shortly by his mighty power restored to our former health and strength and to live here in this transitory world and life such and so long time as it shall please God to stand with his most godly providence and determination whereunto we do with all our heart most humbly wholly and clearly submit ourself and willing now to our remembrance how necessary a thing it is have the estate of the imperial crown of these our noble realms of England and Ireland and our title of France and the dominions and marches of the same to be so continued and preserved as the same be not destitute of such a head and governor as shall be ayte and meet to rule and govern the same our realms and other dominions for the quiet preservation of the commonwealth of our good loving and faithful subjects, which said imperial crown together with all the titles honours preeminences and hereditaments thereunto belonging did lawfully descend and come by good faith right and lawful title and course of inheritance in fee simple to our late and most dear father of worthy memory king Henry the eighth being lawful and true inheritor thereof in fee simple by the antient laws statutes and customs of this realm and notwithstanding that in the time of our said late father that is to say in the 35th year of his reign there was then one statute made intitled an act concerning the establishment of the kings majesties thereof then in the Imperial Crown of this realm whereby it is enacted that in case it should happen our said late father and we then being his only son and heir apparent to decease without heirs of his body lawfully be-

* There can be no doubt, it is conceived, of the genuineness of this Will, although Edward's successor who held the crown in direct opposition to the limitations of this will would naturally be disposed by every means to detract from its validity. See Memorandum at the end.

gotten to have and inherit the said Imperial Crown and other of our said late fathers dominions according and in such manner and form as in the said act made in the said 35th year is declared, that then the said Imperial Crown and all other the premises specified in the said act should be to the lady Mary by the name of the lady Mary our said late fathers daughter and to the heirs of the body of the said lady Mary lawfully begotten with such conditions as by our said father should be limited by his letters patent under his great seal or by his last will in writing signed with his hand and for default of such issue the said Imperial Crown and other the premises should be to the lady Elizabeth by the name of the lady Elizabeth our said late fathers second daughter and to the heirs of the body of the said lady Elizabeth lawfully begotten with such conditions as by the said late father should be limited by his letters patent under his great seal or by his last will in writing signed with his hand as in the said act made in the said 35th year of our said late fathers reign and amongst the divers and sundry other things and provisions therein contained more plainly and at large it doth and may appear and for as much as the said limitation of the Imperial Crown of this Realm being limited by authority of parliament as is aforesaid to the said lady Mary and lady Elizabeth being illegitimate and not lawfully begotten, for as much as the marriage had between our said late father and the lady Catherine mother to the said lady Mary was dearly and lawfully undone and separation between them had by sentence of divorce according to the ecclesiastical laws. And likewise the marriage had between our said late father and the lady Anne mother to the said lady Elizabeth was also clearly and lawfully undone and separation between them had by sentence of divorce according to the ecclesiastical laws which said several divorcements have been severally ratifyed and confirmed by authority of divers acts of parliament remaining in their full force strength and effect whereby as well the said lady Mary as also the said lady Elizabeth to all intents and purposes are and be clearly disabled to ask claim or challenge the Imperial Crown or any other of our honors castles manors lordships lands tenements and hereditaments as heir or heirs to us or to any other person or persons whosoever as well for the cause before rehearsed as also for that, that the said lady Mary and lady Elizabeth be unto us but of the half blood, and therefore by the antient laws, statutes and customs of this realm be not inheritable unto us although they were legitimate as they be not indeed and for as much also as it is to be thought or at the least much to be doubted that the said lady Mary or lady Elizabeth should hereafter have and enjoy the said Imperial Crown of this realm and should then happen to marry with any stranger born out of this realm that then the same stranger having the government and the Imperial Crown in his hands would rather adhere and practise to have the laws and conformities of his or their own native country or countries to be practised or put in force within this our realm than the laws statutes and customs here of long time used whereupon the title of inheritance of all and singular our loving subjects do depend which would then tend to the utter subversion of the commonwealth of this our realm which God defend upon all which causes and matters and upon divers other considerations concerning the same we have oftentimes as well since the time of our sickness as in the time of our health weighed and considered with ourself what ways and means were most convenient to be had for the staye of our said succession in the said Imperial Crown if it should please God to call us out of this transitory life having no issue of our body lawfully begotten and calling to our remembrance that the lady Jane the lady Catherine and the lady Mary daughters of our entirely beloved cousin the lady Frances now wife to our loving cousin and faithful counsellor Henry duke of Suffolk and the lady Margaret daughter of our late cousins the lady Eleanora deceased sister to the said lady Frances and the late wife of our well beloved cousin Henry earl of Cumberland being very nigh of our whole blood of the part of our fathers side and being natural born here within the realm and have been also very honourably brought up and exercised in good and godly learning and other noble virtues so as there is great trust and hope to be had in them that they be and shall very well inclined to the advancement and setting forth of our commonwealth doth therefore upon good deliberation and advice herein had and taken and having also thanks to the living God our full whole and perfect memory do by these presents declare order assign limit and appoint that if it shall fortune us to decease having no issue of our body lawfully begotten that then the said Imperial Crown of this our Realms of England and Ireland and of the confines of the same and our title to the crown and realme of France and all and singular honors castles prerogatives privileges pre-eminences authorities jurisdictions dominions possessions and hereditaments to us and our said imperial crowne belonging or in any wise appertaining shall for lack of such issue of our body remain come and become the eldest sons of the body of the said lady Francis lawfully begotten being born into the world in our life time and to the heirs male of the body of the said elder the son lawfully begotten and so from son to son as he shall be of seniority in birth of the body of the said lady Frances lawfully begotten or being born into the world in our life time and to the heirs male of the body of every such son lawfully begotten and for default of such son born into the world in our life time of the body of the said lady Frances lawfully begotten and for lack of the heirs male of every such son lawfully begotten that then the said imperial crowne and all and singular other the premises shall remaine come and be to the lady Jane eldest daughter of the said

lady Frances and to the heirs male of the body of the said lady Jane lawfully begotten and for lack of such heirs male of the body of the said lady Jane lawfully begotten that then the said imperial crown and all and singular other the premises shall remain come and be unto the lady Catharine Brond daughter of the said lady Frances and to the heirs male of the body of the said lady Catharine lawfully begotten and for lack of the heirs male of the said lady Catharine lawfully begotten that then the said imperial crown and all and singular other the premises shall remain come and be to the lady Mary third daughter of the said lady Frances and to the heirs male of the body of the same lady Mary lawfully begotten and for default of such heirs male of the body of the said lady Mary last before named lawfully begotten that then the said imperial crown and all and singular other the premises shall remain come and be unto the eldest son of the body of the fourth daughter of the said lady Frances and to the heirs male of the body of the same eldest son lawfully begotten and so from son to son as well of the body of any other daughter of the said lady Frances lawfully begotten as the same other daughter and her said son shall be of ancienty in birth and to the heirs male of the body of every such son lawfully begotten and for default of such sons and of the heirs male of the body of every such son lawfully begotten, that then the said imperial crown and all and singular other the premises shall remain come and be to the eldest son of the body of the lady Margaretta daughter to the lady Eleonore sister to the said lady Frances lawfully begotten and to the heirs male of the body of the same eldest son lawfully begotten and so from son to son as he shall be of antienty in birth of the body of the said lady Margarett lawfully begotten and to the heirs male of the body of every such son lawfully begotten and for default of such heirs that then the said imperial crown and all and singular other the premises shall remain come and be to the eldest son of the body of the eldest daughter of the said lady Jane lawfully begotten and to the heirs male of the body of the same eldest son lawfully begotten and so from son to son as he shall be of antienty in birth of the body of the said eldest daughter of the said lady Jane lawfully begotten and to the heirs male of the body of every such son lawfully begotten and for lack of such heir that then the said imperial crown and all and singular other the premises shall remain come and be to the eldest son of the body of the second daughter of the said lady Jane lawfully begotten, and to the heirs male of the body of the same eldest son lawfully begotten and so from son to son as well of the body of the said second daughter of the said lady Jane lawfully begotten as from son to son of the body of any other daughter of the body of the said lady Jane lawfully begotten as the same other daughter and her said son shall be of antienty in birth and to the heirs male of the body of every such son lawfully begotten and for default of such son and of the heirs male of the body of every such lawfully begotten that then the said imperial crown and all and singular other the premises shall remain come and be unto the eldest son of the body of the eldest daughter of the said lady Catharine lawfully begotten and to the heirs male of the body of the said eldest son lawfully begotten and so from son to son as they shall be of antienty in birth of the body of the said eldest daughter of the body of the said lady Catharine lawfully begotten and to the heirs male of the body of every such son lawfully begotten and for lack of such heir that then the said Imperial Crown and all and singular other the premises shall remain come and be unto the eldest son of the body of the second daughter of the said lady Catharine lawfully begotten and to the heirs male of the body of the same eldest son lawfully begotten and so from son to son as well of the body of the said lady Catharine lawfully as from son to son of the body of any other daughter of the same lady Catharine lawfully begotten as the same other daughter and her said son shall be of antienty in birth and to the heirs males of the body of every such son lawfully begotten and for default of such son and of the heirs male of the body of every such son lawfully begotten that then the said Imperial Crown and all and singular other the premises shall remain come and be to the eldest son of the body of the eldest daughter of the said lady Mary sister to the said lady Catharine and to the heirs males of the body of the same eldest son lawfully begotten and so from son to son as he shall be of antienty in birth of the body of the said eldest daughter of the said lady Mary sister to the said lady Catharine lawfully begotten and to the heirs male of the body of every such son lawfully begotten and for lack of such heir that then the said Imperial Crown and all and singular other the premises shall remain come and be to the eldest son of the body of the second daughter of the said lady Mary sister to the said lady Catharine lawfully begotten and to the heirs male of the body of the same eldest son lawfully begotten and so from son to son as he shall be of antienty in birth as well of the body of the said second daughter of the said lady Mary sister to the said lady Catharine lawfully begotten as from son to son of the body of any other daughter of the said lady Mary sister of the said lady Catharine lawfully begotten and to the heirs males of the body of every such son lawfully begotten and for default of such son and of the heirs male of the body of every such son lawfully begotten that then the said Imperial Crown and all and singular other the premises shall remain come and be to the eldest son of the body of the eldest daughter of the said fourth daughter of the said lady Francis lawfully begotten and to the heirs male of the body of the same eldest son lawfully begotten and so from son to son as he shall be of antienty in birth of the body of the said eldest daughter of the said fourth

daughter of the said lady Francis lawfully begotten and to the heirs males of the body of every such son lawfully begotten and for default of such son and of the heirs males of the body of every such son lawfully begotten that then the said Imperial Crown and all and singular other the premises shall remain come and be to the eldest son of the body of the eldest daughter of the body of the said lady Margaret lawfully begotten and to the heirs males of the body of the same eldest son lawfully begotten and so from son to son as he shall be in antienty of birth of the body of the said eldest daughter of the said lady Margaret lawfully begotten and to the heirs males of the body of every such son lawfully begotten and our mind determination and pleasure is that after our decease any such heir male as is before declared and being king of this realm be entered into eighteen years of age that then he shall have the whole rule and governance of the said Imperial Crown and other the premises but that after the decease of the said lady Jane, lady Catharine and lady Mary to whom as appertaineth the estate of the Crown and such heir male limited and appointed as is aforesaid be under the age of seventeen years complete that then his mother to be governor of the said Imperial Crown and other the premises until the said heir male shall enter his age of eighteen years and that she shall do nothing without the advice of 6 person parcels parcel of a counsel to the number of 30 persons to be appointed by us in our last will and that the mother of such heir male limited and appointed by us in our last will and that the mother of such heir male limited and appointed as is aforesaid shall be deceased before any such heir male shall be intitled to have the said Imperial Crown and other the premises or shall die before the same heir male should enter into his age of 18 years as is aforesaid that then the said Imperial Crown and other the premises shall be governed by the council Provided always that after the said heir male shall be of the age of 18 years complete all matters of importance shall be opened and declared unto him and that during the rule of the said mother being governor as is aforesaid it shall fortune 4 of the council to die that then she by her letters shall have authority to call and assemble of the whole council remaining within one month then next following to chuse 4 more to be of the said council to make up the said council of 30 persons in which case she shall have only 3 voices but after her death the 26 of the said council of 30 persons shall chuse so many persons to be of the said council as shall with themselves make up the said council to the said number of 30 persons provided always that the said heir male when he shall come to the age of 18 years shall reign by the advice of the said council so many to be of the said council as shall then want of the said number of 30 persons to make up and fulfill the said number of the said council of 30 persons and we will that this our declaration order assignment limitation and appointment be truly observed performed and kept in all things and further we will and charge all our nobles lords spiritual and temporal and all our commons of these our said realms and the marches of the same upon their allegiance that they and every of them do perform and execute this our present declaration and limitation concerning the succession of the crown of this our said realms and other the premises and to this our said declaration and limitation concerning the same established ratified and confirmed as well by authority of parliament as by all ways and means as they can to the best of their powers and to repress reform repeal and make void all acts of parliament and all other things that shall seem or be in any wise contrary let or disturbance of this our pleasure and appointment as they will answer afore God under the commonwealth of these our realms and avoid our indignation and displeasure And in witness that this is our very true mind and intent touching the succession of our said Imperial Crown and all other the premises we have hereunto set our sign manual and our great seal the 21st day of June in the 7th year of our reign in the presence of our counsellors and other our nobles whose names are underwritten to witness record and testify the same

WITNESSES.

T. Cant., T. Ely, canc., Winchester, Northumb., Jo. Bedford, H. Suffolk, W. Northton, Arundell, Oxford, H. Westmorland, F. Shrewsbury, John Warwick, W. Worcester, F. Huntingdon, Penbroke, E. Clinton, F. Darcy, Nic. London, Henry Abinge, G. Cobham, Will. Grey, G. Tallbot, T. Fitzwaters, William Windesor, J. Bray, Thom. Wentworthe, John St. John, R. Riche, William Willoughby, Erancis Russell, J. Fitzwarrin, G. Fitzgerald, H. Strange, Thomas Gray, Chenye, William Bu, Richard Cotton, John Gate, Will. Petres, W. Cecille, John Cheek, Roger Cholmeley, Edward Montague, Henry Bradschawe, John Bakere, Homfre Brown, Henry Portman, Robart Bowis, Ja. Masone, R. Sadler, Rich. Sakeingle, Edward Northe, A. Sentleger, Will. Paget, Tho. Wrothe, Henry Sydney, Morris Barkley, N. Throgmorton, Ric. Blount, Henri Gage, Ric. Southwell, John Williams, Henri Norres, Antoni Browne, James Dyer, John Gosnold, Will. Fitzwilliam, Willm. Croke, Henry Newill.

George Barne, Mayor.

John Gresham, Andrew Judde, Ric. Dobbyx, W. Darnselle, Augustin Hinde, John Lambarde, Thomas Offley, Will. Garrard, Lawrance Wether, Edward Rogeres, Adrian Poinings, P'me Will. Huitt, R. Bret, P'me William Chester, Antony Browne, John Raynford, Ro. Southwell, By me Thomas Zodge, Thomas Bowere, Emanuel Zucar, John Wither, Wm. Bury, Richard Mallorye, Henry Fisher, Apofore Dawntesey, Ric. Chamblyn, Henry Brown, Richard Hilles, William Knight, William Gyfford, Ric. Broke, W. Bury.

Mem. This is a true Copy of Edward the 6th's Will taken out of the Original under the Great Seal which Robert Cotton delivered to the King's Majesty the 17th of April 1611 at Royston to be cancelled.

Rapin's Account of the making of this Instrument is as follows:

"Mean while Edward was still troubled with a defluction upon his lungs, which wasted him by degrees, and daily grew more dangerous. Some affirm downright, that a slow poison had been given him, and throw the suspicion of it upon the duke of Northumberland. Others only insinuate such a thing, without saying it positively. But when all is done, both speak only by conjecture, without giving any proof. The young king saw death approaching without any fears as to himself. But he could not reflect, without an extreme concern, on the state Religion would be in under his sister Mary, who was to succeed him. It is very probable the duke of Northumberland, who hardly ever left him since his illness, took care to heighten his fears in that respect, on purpose to bring him the more easily to the pass he desired. All hopes however of the king's recovery were not given over till the middle of May, when in all likelihood the physicians told the duke of Northumberland his case was desperate. Then it was that he matched the Lord Guilford Dudley, his fourth son, the only one unmarried, with Jane Grey, eldest daughter of the new duke of Suffolk, by Francis Brandon, who was by Henry 8th's Will the next in the succession after the princess Elizabeth. At the same time Jane's two sisters were also married; the second, the lady Catherine, to the earl of Pembroke's eldest son, the lord Herbert; the third, the lady Mary, [who was crooked] to [the king's groom-porter] Martin Keys. These marriages were solemnized about the end of May, when there was no hope of the king's recovery. At last, one day as the young king was expressing the excessive trouble he was under, when he considered the princess Mary his sister would do her utmost endeavour to destroy the reformation, the duke of Northumberland broke the ice. He represented to the king that there was but one way to prevent the misfortunes England was threatened with, in case the princess Mary ascended the throne after him; and that was, to settle the crown on the lady Jane Grey his daughter-in-law. Indeed it was natural in excluding Mary, to transfer the crown to her sister Elizabeth, whom the king tenderly loved, and who was a hearty friend to the reformation. But probably the duke told the king, that as he could not set aside Mary but on the specious pretence of her being illegitimated, the same reason was in force with regard to Elizabeth, since the marriages of their mothers were alike annulled. That therefore, either the succession was to be left as the late king had settled it, or the princesses were to be both excluded together. Very likely the young king who found himself dying, and who thought only of saving the reformation from the impending destruction, was prevailed upon by this argument, to sacrifice the princess Elizabeth. Besides, he had a very great esteem and affection for Jane Grey, who was an accomplished lady both in body and mind.—However this be, the king having taken the resolution suggested to him by the duke of Northumberland, three judges of the realm were sent for, and required to draw an assignment of the crown to Jane Grey. The judges desired a little time to consider of it. At last they answered, they could not take upon them to do any such thing, without being guilty of high-treason. Adding, that all the privy-counsellors who consented to the assignment, would unavoidably be liable to the pains expressed in the act of parliament made for that purpose. Upon which the duke of Northumberland fell into such a passion, that he had like to have beaten the judges; nevertheless they stood to what they had said. On the 15th of June they were sent for again, and at length by threats and the expedient of a pardon under the great seal, they were wrought upon to draw the settlement of the crown, which was signed by all the rest of the judges except Hales, who could never be prevailed with to do it. All the privy-counsellors set their hands to it likewise on the 21st of the same month. Cranmer was absent that day on purpose to avoid signing: but the king importuned him so much, that he set his hand at last as a witness, as it is pretended, and not as a privy-counsellor."

48. Arraignment and Execution of HENRY GREY duke of SUFFOLK: 1 MARY, A. D. 1553. [Cotton. MSS. in Brit. Museum. 3 Fox's Acts and Monum. 617.]

AS to the duke of Suffolk, there is in the Cottonian collection a brief MS. account of him in the following words:

Henry Fitzallan lord Maltravers and lord steward of her majesty's houshold and lord high steward of England at the Arraignement of Henry lord Grey duke of Suffolk, father of the lady Jane, married to Guilford Dudley: This Henry duke of Suffolk being condemned by his peers for combining in rebellion with Wyatt against the Queen and her proceedings with Spain had sentence of death pronounced against him, which he suffered the 23rd of Feb. upon the Tower-hill, where he most christianly made profession of his faith with great repentance of his fact.—This duke's facility too by practices

had occasioned the troubles wherewith this realm had for some years been distracted, and his rash ingratitude, the queen having once pardoned him beyond expectation, had diverted the current of the queen's clemency towards his daughter the lady Jane, whose life, it was generally conceived, she would have pardoned but her father's miscouncelled rashness hastened her death.

Fox's Account is as follows:

Upon Saturday, being the 17th of February, the duke of Suffolk was arraigned at Westminster, and the same day condemned to die by his peers, the earl of Arundel was chief judge for this day. Upon the Sunday following, which was the 18th day of the said month, sessions was kept in London, which hath not before been kept upon the Sunday. Upon the Monday, the 19th of Feb. lord Cobham's three sons, and four other men were arraigned at Westminster: of which sons the youngest was condemned, whose name was Thomas, and the other two came not at the bar, and the other four were condemned. Upon the Tuesday, being the 20th of Feb. the lord John Gray was arraigned at Westminster, and there condemned the same day, and other three men, whereof one was named Nailer. Upon Wednesday, the 21st of Feb. the lord Thomas Gray, and sir James Croft were brought through London to the Tower with a number of horsemen. Upon the Thursday, being the 22nd of Feb. sir Nicholas Throgmorton was committed to the Tower.

Upon the Friday, being the 23d of Feb. 1554, the duke of Suffolk was beheaded at the Tower-hill, the order of whose death here followeth:

The godly End and Death of the Duke of Suffolk beheaded at Tower-hill, Feb. 23rd 1554.

ON Friday the 23rd of Feb. 1554, about nine of the clock in the forenoon, the lord Henry Gray, duke of Suffolk, was brought forth of the Tower of London unto the scaffold on the Tower-hill, with a great company, &c. and in his coming thither, there accompanied him doctor Weston as his ghostly father, notwithstanding, as it should seem, against the will of the said duke. For when the duke went up to the scaffold, the said Weston being on the left hand, pleased to go up with him. The duke with his hand, put him down again off the stairs: and Weston, taking hold of the duke, forced him down likewise. And as they ascended the second time, the duke again put him down.—Then Weston said that it was the queen's pleasure he should so do. Wherewith the duke casting his hands abroad, ascended up the scaffold, and paused a pretty while after. And then he said: "Masters, I have offended the queen, and her laws, and thereby am justly condemned to die, and am willing to die, desiring all men to be obedient, and I pray God that this my death may be an example to all men, beseeching you all to bear me witness, that I die in the faith of Christ, trusting to be saved by his blood only, and by no other trumpery, the which died for me, and for all them that truly repent, and stedfastly trust in him. And I do repent, desiring you all to pray to God for me; and that when you see my breath depart from me, you will pray to God that he may receive my soul." And then he desired all men to forgive him, saying that the queen had forgiven him.

Then Mr. Weston declared with a loud voice that the queen's majesty had forgiven him. With that divers of the standers by said with meetly good and audible voice: Such forgiveness God send thee, meaning Dr. Weston. Then the duke kneeled down upon his knees, and said the Psalm *Miserere mei Deus* unto the end, holding up his hands, and looking up to heaven. And when he had ended the Psalm, he said, *In manus tuas Domine commendo spiritum meum*, &c. Then he arose and stood up, and delivered his cap and his scarf unto the executioner.

Then the said executioner kneeled down, and asked the duke forgiveness. And the duke said God forgive thee, and I do: and when thou doest thine office, I pray thee do it well, and bring me out of this world quickly, and God have mercy to thee. Then stood there a man and said, My lord how shall I do for the money that you do owe me? and the duke said, Alas good fellow, I pray thee trouble me not now, but go thy way to my officers. Then he knit a kercher about his face, and kneeled down and said, 'Our Father which art in heaven, &c.' unto the end. And then he said, Christ have mercy upon me, and laid down his head on the block, and the executioner took the axe, and at the first chop stroke off his head, and held it up to the people, &c.

The same day a number of prisoners had their pardon, and came through the city with their halters about their necks. There were in number about 200.

49. The Trials of JOHN DUDLEY duke of Northumberland, WILLIAM PARR marquis of Northampton, and JOHN DUDLEY earl of Warwick, for High Treason, in the Court of the Lord High Steward, at Westminster, 18th August, 1 MARY, A. D. 1553; and also of Sir JOHN GATES, Sir HENRY GATES, Sir ANDREW DUDLEY, and Sir THOMAS PALMER, at Westminster, for the same Crime, the day following. [Harleian MSS. 2 Kennett's Compl. Hist. 334.]

["The Proceedings against these noblemen and others, for asserting the Title of the lady Jane Grey to the Crown, and opposing that of queen Mary, seem to deserve a place in this Collection, chiefly on account of the questions of law proposed to the court by the duke of Northumberland, previously to his confession of the Indictment. The Harleian Manuscript, which we shall first lay before the reader, is copied from Hollingshead, except the latter part about the marquis of Northampton and the earl of Warwick. The next account of the transaction is immediately taken from the translation of bishop Godwin's 'Annals of Mary,' in Kennet's 'Complete History of England,' but is acknowledged by bishop Godwin to be extracted from the great French Historian of his own time, the president de Thou." Hargrave.]

Extract from the Harleian Manuscript.

THOMAS duke of Norfolke sittinge as high steward of England, on the 18th day of August were brought before him John Dudley duke of Northumberland, William Parre marquesse of Northampton, and the earle of Warwicke, sonne to the duke of Northumberland. The duke of Northumberland, att his cominge to the barre, vsed greate reverence towards the judges, and protestinge his ffaith and obedience to the queene's majesty, whome he confessed grievously to haue offended, he said; that hee meant not to speake any thinge in defence of himselfe; but would first vnderstand the opinion of the courte in two points. 1. Whether a man, doinge an acte by the authority of the prince and counsell, and by a warrant of the greate seale of England, and doeinge nothinge without the same, may bee charged for treason for any thinge which hee might doe by warrant thereof? 2. Whether any such persons, as were equally culpable in that crime, and those by whose letters and commaundements he was directed in all his doeings, might bee his judges, or passe vpon his tryall att his death?

Wherevnto was answeared, That, as concerninge the first, the greate seale, which hee layd for his warrant, was not the seale of the lawfull queene of the realme, nor passed by authority, but the seale of an Usurper, and therefore would bee noe warrant for him.—And to the second, it was alleadged, that, if any were as deepely to bee touched as himselfe in that case, yet as longe as noe atteindor were of record against them, they were neverthelesse persons able in the lawe to passe vpon any tryall, and not to bee challenged therefore, but att the princes pleasure.

After which Answere, the duke vsinge fewe words, declared his earnest repentance in the case, (for hee saw, that to stand vpon vtteringe any reasonable matter would little prevaile) and moved the duke of Norfolke to bee a meanes vnto the queene for mercy, and without further answeare confessed the Indictment; by whose example alsoe the other prisoners arraigned with him did likewise confesse the indictment produced against them, and therevpon had judgment.

The Judgment beinge pronounced, hee craved favour of such a death as was executed on noblemen, and not the other; hee beseeching also that a favourable regard might bee had of his children in respect of theire age, and that hee might bee permitted to conferre with some learned divine for the settlinge of his conscience; and lastly, that her majestie would bee pleased to send vnto him fowre of her counsell for the discovery of some things which might concerne the state.

The marquesse of Northampton pleaded to his Indictment, that after the beginninge of these tumults hee had forborne the execution of any publique office; and that all the while hee, intent to huntinge and other sports, did not partake in the conspiracy; but it beinge manifest that hee wast party with the duke of Northumberland, sentence passed on him likewise.

The earle of Warwicke, fyndinge that the Judges in soe greate a cause, admitted noe excuse of age, with greate resolucion heard his condemnacion pronounced against him, cravinge only this favour; that, whereas the goods of those who are condemned for treason are totally confiscated; yet her majestie would bee pleased, that out of them his debts might bee payd. — After this they were all returned agayne to the Tower.

Extract from 2 Kenn. Compl. Hist. 334.

ON the 18th of August, the duke of Norfolk sitting as lord high steward, those concerned in the Rebellion were tried at Westminster;

where the duke of Northumberland, with his eldest son the earl of Warwick, and the marquis of Northampton, were found guilty of High Treason. The account of that day's proceedings, and of the day following, I shall here transcribe from Thuanus, a writer of great fame; because, though I do not entirely approve all he has set down, I think he keeps very near to truth, and the reader, perhaps, will not be ill entertained with the variety of opinions upon this matter.

"The duke of Northumberland, says he, alledged, That he did nothing but by order of the council, yet this would not excuse him; so that he was condemned as a traitor. When the sentence was pronounced, he begged that it might be mitigated, as to the manner of his death, and that his children, in regard to their tender years, might find mercy; and that he might have the liberty of speaking with some learned divine (for the settling of his conscience). And lastly, that her majesty would be pleased to send to him four of her privy-council, to whom he had some things to communicate, relating to the public. Then came on the trial of the marquis of Northampton, who pretended, that he had not any hand in the rebellion, nor was engaged in any party, but having no public post, had spent all the time in his usual diversion of hunting, and other sports *(a)*. However, it appeared that he was engaged on Northumberland's side, and therefore he was likewise condemned. Afterwards, the earl of Warwick, Northumberland's eldest son, when the plea of his youth would not be admitted in excuse of so great a crime, received his sentence of death with a wonderful constancy; and only prayed her majesty, that out of his estate confiscated, his debts might be discharged. These were presently sent back to the Tower. The next day, sir Andrew Dudley, Northumberland's brother, and sir John Gates, who was supposed the first author of setting up lady Jane, with his brother Henry Gates, and sir Thomas Palmer, were condemned. The 22d of August they were brought out to execution, having two days before received the Sacrament in prison. Northumberland, by the persuasion of Heath, afterwards archbishop of York, made a speech to the people, in which he confessed his crime and repentance, and advised all who were present to adhere to the ancient religion of their forefathers, and rejecting the new opinions, as the source of all the evils that had befallen them for 30 years past, to drive the preachers of them, as trumpeters of sedition, out of the kingdom, if they would approve themselves innocent before God and the public. He declared that in his heart he had always been for the old religion, and appealed for the truth of this to his intimate friend the bishop of Worcester, but he had temporised out of ambition, for which he now was a sincere penitent; and lastly, that he willingly submitted to his death, which he owned he had deserved. Having said this, he recommended himself to God, and desiring the prayers of the spectators, prepared to receive the stroke; and immediately the executioner performed his office. Northumberland's exhortations variously affected the minds of the people, who were amazed to hear him speak against that religion, which he had professed for above 30 years; and on the account of which chiefly he had advised king Edward to exclude his sisters. Most have written, that being a cunning man, and fond of life, he did this in hopes of a pardon; and that when he looked round him and saw he was deceived, he repented of it *(b)*. He was charged, upon no trivial conjectures, with having poisoned the late king. But nothing of this was mentioned at his trial; because his judges undertook not the examination into king Edward's death, but only the business of the rebellion against queen Mary. Gates too and Palmer underwent the same punishment."

(a) "The contrary to which was notorious; for Northampton was one of queen Jane's privy counsellors, and signed a letter, July the 9th, among the rest of her privy-council, to the lady Mary, as they stiled her, requiring her to desist, and be quiet and obedient; besides his going along with the duke in all his counsels." Kennet.

(b) Fox, who lived in these times, confirms and clears this matter: who writes, that the duke had a promise made him of a pardon; yea, though his head were upon the block, on condition he would recant, and hear mass. On which promise he firmly relied, and did what was required; and still born up with the same hope, on the scaffold denied, in word and outward profession, that true religion which he had often, both in king Henry's and king Edward's days, evidently declared himself to favour and further. Id.

50. Proceedings against THOMAS CRANMER, Archbishop of Canterbury, for Treason and Heresy: 2 MARY, 3 PHIL. & MARY, A. D. 1554, 1556. [3 Fox's Acts and Monum. 647.]

KING Edward the sixth, a prince of most worthy towardness, falling sick, when he perceived that his death was at hand, and the force of his painful disease would not suffer him to live longer, and knowing that his sister Mary was wholly wedded to popish religion, bequeathed the succession of this realm to the lady Jane, a lady of great birth, but of greater learning, being niece to king Henry 8th by his sister, by consent of the council and lawyers of

this realm *. To this Testament of the king's, when all the nobles of the realm, states and judges had subscribed; they sent for the Archbishop, and required him that he also would subscribe. But he excusing himself on this manner, said, that it was otherwise in the Testament of king Henry his father, and that he had sworn to the succession of Mary, as then the next heir, by which oath he was so bound, that without manifest perjury he could not go from it. The Council answered, that they were not ignorant of that, and that they had conscience as well as he, and moreover that they were sworn to that Testament, and therefore he should not think there was any danger therein, or that he should be in more peril of perjury than the rest. To this the Archbishop answered, that he was judge of no man's conscience but his own: and therefore as he would not be prejudicial to others, so he would not commit his conscience unto other men's facts, or cast himself into danger, seeing that every man should give account of his own conscience, and not of other men's. And as concerning subscription, before he had spoken with the king himself, he utterly refused to do it.

The king therefore being demanded of the Archbishop concerning this matter, said, that the nobles and lawyers of the realm counselled him unto it, and persuaded him that the bond of the first testament could nothing let, but that this lady Jane might succeed him as heir, and the people without danger acknowledge her as their queen. Who then demanding leave of the king, that he might first talk with certain lawyers that were in the court; when they all agreed that by law of the realm it might be so, returning to the king, with much ado he subscribed.

Well, not long after this, king Edward died, being almost 16 years old, to the great sorrow, but greater calamity of the whole realm. After whose decease immediately it was commanded that the lady Jane, which was unwilling thereunto, should be proclaimed queen. Which thing much misliked the common people; not that they did so much favour Mary, before whom they saw the lady Jane preferred, as for the hatred conceived against some, whom they could not favour.

Besides this, other causes there happened also of discord between the nobles and the commons the same time: for what injuries of commons and inclosures wrongfully holden, with other inordinate pollings and uncharitable dealing between the landlords and tenants, I cannot tell. But in fine, thus the matter fell out, that Mary hearing of the death of her brother, and shifting for herself, was so assisted by the commons, that eftsoons she prevailed. Who, being established in the possession of the realm, not long after came to London, and after she had caused first the two fathers, the duke of Northumberland and the duke of Suffolk to be executed, likewise she caused the lady Jane, being both in age tender, and innocent from this crime, after she could by no means be turned from the constancy of her faith, together with her husband, to be beheaded.—The rest of the nobles paying fines were forgiven, the archbishop of Canterbury only excepted. Who though he desired pardon by means of his friends, could obtain none; insomuch that the queen would not once vouchsafe to see him. For as yet the old grudge against the archbishop for the divorcement of her mother, remained hid in the bottom of her heart. Besides this divorce, she remembered the state of religion changed; all which was imputed to the archbishop as the cause thereof.

While these things were in doing, a rumour was in all mens mouths, that the archbishop, to curry favour with the queen, had promised to say a dirge mass after the old custom, for the funeral of king Edward her brother. Neither wanted there some which reported that he had already said mass at Canterbury; which mass indeed was said by Dr. Thornton. This rumour Cranmer thinking speedily to stay, gave forth a writing of his purgation.

This Bill being thus written, and lying openly in a window in his chamber, cometh in by chance master Story, bishop then of Rochester, who after he had read and perused the same, required of the archbishop to have a copy of the bill. The abp. when he had granted and permitted the same to master Story, by the occasion thereof master Story lending it to some friend of his, there were divers copies taken out thereof, and the thing published abroad among the common people; insomuch that every scrivener's shop almost, was occupied in writing and copying out the same: and so at length some of these copies coming to the bishop's hands, and so brought to the council, and they sending it to the commissioners, the matter was known, and so he commanded to appear.

Whereupon Dr. Cranmer at his day prefixed, appeared before the said commissioners, bringing a true inventory, as he was commanded, of all his goods. That done, a bishop of the queen's privy council, (Dr. Heath, bishop after of York) being one of the said commissioners, after the inventory was received, bringing in mention of the bill; My lord, said he, there is a bill put forth in your name, wherein you seem to be aggrieved with setting up the mass again; we doubt not but you are sorry that it is gone abroad.—To whom the archbishop answered again, saying, As I do not deny myself to be the very author of that bill or letter, so must I confess here unto you, concerning the same bill, that I am sorry that the said bill went from me in such sort as it did. For when I had written it, Dr. Story got the copy of me, and is now come abroad, and as I understand, the city is full of it. For which I am sorry, that it so passed my hands: for I intended otherwise to have made it in a

* See p. 754.

more large and ample manner, and minded to have set it on Paul's church door, and on the doors of all the churches in London, with mine own seal joined thereto.

At which words, when they saw the constantness of the man, they dismissed him, affirming that they had no more at that present to say unto him, but that shortly he should hear further. The said bishop declared afterward to one of Dr. Cranmer's friends, that notwithstanding his attainder of treason, the queen's determination at that time was, that Cranmer should only have been deprived of his archbishopric, and have had a sufficient living assigned him, upon his exhibiting of a true inventory, with commandment to keep his house without meddling in matters of religion. But how true that was, I have not to say. This is certain, that not long after this, he was sent unto the Tower, and soon after condemned of Treason. Notwithstanding the queen, when she could not honestly deny him his pardon, seeing all the rest were discharged, and specially, seeing he last, of all other, subscribed to king Edward's request, and that against his own will, released to him his action of Treason, and accused him only of Heresy; which liked the archbishop right well, and came to pass as he wished, because the cause was not his own, but Christ's; not the queen's, but the church's. Thus stood the cause of Cranmer, till at length it was determined by the queen and the council, that he should be removed from the Tower where he was prisoner, to Oxford, there to dispute with the doctors and divines. And privily word was sent before to them of Oxford to prepare themselves, and make them ready to dispute. And although the queen and the bishops had concluded before what should become of him, yet it pleased them that the matter should be debated with arguments, that under some honest shew of disputation the murder of the man might be covered. Neither could their hasty speed of revengement abide any long delay; and therefore in all haste he was carried to Oxford.

Without reciting the particulars of this disputation or his condemnation by the university and the prolocutor, we now proceed to his final judgment and order of condemnation, which was the 12th day of September, 1555, and seven days before the condemnation of bishop Ridley and master Latimer. The story whereof here followeth, faithfully corrected by the Report and Narration (coming by chance to our hands) of one who being both present (hereat, and also a devout favourer of the see and faction of Rome, can lack no credit (I trowe) with such, which seek what they can to discredit whatsoever maketh not with their phantasied religion of Rome.

After the disputations done and finished in Oxford between the doctors of both universities, and the three worthy bishops, Dr. Cranmer, Ridley, and Latimer, ye heard then how sentence condemnatory immediately upon the same was ministered against them by Dr. Weston and other of the university, whereby they were judged to be heretics, and so committed to the mayor and sheriffs of Oxford. But forasmuch as the sentence given against them was void in law (for at that time the authority of the pope was not yet received into the land) therefore was a new commission sent from Rome, and a new process framed for the conviction of these reverend and godly learned men aforesaid. In which commission, first was Dr. James Brooks bishop of Glocester the pope's subdelegate, with Dr. Martin, and Dr. Story, commissioners in the king and queen's behalf, for the execution of the same. Of the which three commissioners above named, as touching Dr. Martin, this by the way is to be understood, that although he was used for an instrument of the Pope's side, to serve a turn (whose book also is extant against the lawful marriage of priests) yet notwithstanding neither was he so bitter an enemy in this persecution, as other commissioners were; and also in this time of queen Elizabeth, where divers other doctors of the Arches refused to be sworn against the pope, he denied not the oath; and yet notwithstanding not altogether here to be excused. But to the purpose of this story. Whereof first it shall be requisite to declare the circumstance, and the whole state of the matter, as in a general description, before we come to their orations, according as in a parcel of a certain letter touching the same, it came to our hands.

Imprimis, here is to be understood, that at the coming down of the foresaid commissioners, which was upon Thursday, the 12th of Sept. 1555, in the Church of Saint Mary, and in the East end of the said church at the high altar, was erected a solemn scaffold for bishop Brooks aforesaid, representing the pope's person, ten foot high. The seat was made that he might sit under the sacrament of the altar. And on the right hand of the pope's delegate beneath him sat Dr. Martin, and on the left hand sat Dr. Story the king and queen's commissioners, which were both doctors of the civil law, and underneath them other doctors, scribes, and pharisees also, with the pope's collector, and a rabblement of such other like.

And thus these bishops being placed in their pontificalibus, the bishop of Canterbury was sent for to come before them. He having intelligence of them that were there, thus ordered himself. He came forth of the prison to the church of saint Mary, set forth with bills and gleves for fear he should start away, being clothed in a fair black gown, with his hood on both shoulders, such as doctors of divinity in the university use to wear. Who, after he was come into the church, and did see them sit in their pontificalibus, he did not put off his cap to any of them, but stood still till that he was called. And anon one of the proctors for the pope, or else his doctor, called 'Thomas archbishop of Canterbury, appear here and make answer to that shall be laid to thy charge; that is to say, for Blasphemy, Incontinency,

and Heresy; and make Answer here to the bishop of Glocester, representing the pope's person.'

Upon this he being brought more near unto the scaffold, where the foresaid bishop sat, he first well viewed the place of judgment, and spying where the king and queen's majesty's proctors were, putting off his cap, he first humbly bowing his knee to the ground, made reverence to the one, and after to the other. That done, beholding the bishop in the face, he put on his bonnet again, making no manner of token of obedience towards him at all. Whereat the bishop being offended, said unto him, That it might beseem him right well, weighing the authority he did represent, to do his duty unto him. Whereunto Dr. Cranmer answered and said, That he had once taken a solemn oath, never to consent to the admitting of the bishop of Rome's authority into this realm of England again; and that he had done it advisedly, and meant by God's grace to keep it; and therefore would commit nothing either by sign or token, which might argue his consent to the receiving of the same, and so he desired the said bishop to judge of him, and that he did it not for any contempt to his person, which he could have been content to have honoured as well as any of the other, if his commission had come from as good an authority as theirs. This answered he both modestly, wisely, and patiently, with his cap on his head, not once bowing or making any reverence to him that represented the pope's person, which was wonderously of the people marked that was there present and saw it, and marked it as nigh as could be possible.

The ORATION *of Dr. Brooks, bishop of Gloucester, unto Dr. Cranmer, archbishop of Canterbury, in the Church of Saint Mary at Oxford, March* 12, 1556.

WHEN after many means used, they perceived that the archbishop would not move his bonnet, the bishop proceeded in these words following: "My lord, at this present we are come to you as Commissioners, and for you, not intruding ourselves by our own authority, but sent by Commission, partly from the pope's holiness, partly from the king and queen's most excellent majesties not to your utter discomfort, but to your comfort if you will yourself. We come not to judge you, but to put you in remembrance of that you have been, and shall be. Neither come we to dispute with you but to examine you in certain matters; which being done, to make relation thereof to him that hath power to judge you. The first being well taken, shall make the second to be well taken. For if you of your part be moved to come to a conformity, then shall not only we of our side take joy of our examination, but also they that have sent us. And first, as charity doth move us, I would think good somewhat to exhort you, and that by the second chapter of Saint John in the Apoc. *Memor esto unde excideris, & age pœnitentiam, & prima opera fac. Sin minus, i.* Remember from whence thou art fallen, and do the first works, or if not, and so as ye know what followeth. Remember yourself from whence you have fallen. You have fallen from the universal and catholic church of Christ, from the very true and received faith of all christendom, and that by open heresy. You have fallen from your promise to God, from your fidelity and allegiance, and that by open preaching, marriage, and adultery. You have fallen from your sovereign prince and queen by open treason. Remember therefore from whence you are fallen. Your fall is great, the danger cannot be seen. Wherefore when I say, remember from whence you are fallen, I put you in mind not only of your fall, but also of the state you were in before your fall. You were sometime, as I and other poor men, in a mean estate, God I take to witness, I speak it to no reproach or abasement of you, but to put you in memory, how God hath called you from a low to an high degree, from one degree to another, from better to better, and never gave you over, till he had appointed you *Legatum natum, Metropolitanum Angliæ, Pastorem gregis sui.* Such great trust did he put you in, in his church, what could he do more? for even as he ordained Moses to be a ruler over his Church of Israel, and gave him full authority upon the same: so did he make you over his Church of England. And when did he this for you? forsooth when you gave no occasion or cause of mistrust either to him, or to his magistrates. For although it be conjectured, that in all your time ye were not upright in the honour and faith of Christ, but rather set up of purpose as a fit instrument, whereby the church might be spoiled and brought into ruin; yet may it appear by many your doings otherwise, and I for my part, as it behoveth each one of us, shall think the best. For who was thought as then more devout? who was more religious in the face of the world? Who was thought to have more conscience of a vow making, and observing the order of the church, more earnest in the defence of the real presence of Christ's body and blood in the sacrament of the altar than ye were? and then all things prospered with you; your prince favoured you; yea God himself favoured you; your candlestick was set up in the highest place of the church, and the light of your candle was over all the church; I would God it had so continued still. But after ye began to fall by schism, and would not acknowledge the pope's holiness as supreme head, but would stoutly uphold the unlawful requests of king Henry the 8th, and would bear with that should not be born withal, then began you to fancy unlawful liberty, and when you had exiled a good conscience, then ensued great shipwreck in the sea, which was out of the true and catholic church, cast into the sea of desperation; for as he saith; *Extra Ecclesiam non est salus, i.* Without the church there is no salvation. When ye had forsaken God, God forsook you, and gave you over to your own will and suffered you to fall

from schism to apostasy, from apostasy to heresy, and from heresy to perjury, from perjury to treason, and so in conclusion, into the full indignation of our sovereign prince, which you may think a just punishment of God, for your other abominable opinions. After that, ye fell lower and lower, and now to the lowest degree of all, to the end of honour and life. For if the light of your candle be as it hath been hitherto dusky your candlestick is like to be removed, and have a great fall, so low, and so far out of knowledge, that it shall be quite out of God's favour, and past all hope of recovery: *Quia in inferno nulla est redemptio, i.* For in hell there is no redemption. The danger whereof being so great, very pity causeth me to say, *Memor esto unde excideris, i.* Remember from whence thou hast fallen. I add also, and whither you fall. But here peradventure you will say to me. What sir, my fall is not so great as you make it. I have not yet fallen from the catholic church. For that is not the catholic church that the pope is head of. There is another church. But as touching that I answer; you are sure of that as the Donatists were, for they said that they had the true church, and that the name of true Christians remained only in Africk, where only their seditious sect was preached: and as you think, so thought Novatus, that all they that did acknowledge their supreme head at the see of Rome, were out of the church of Christ. But here, Saint Cyprian defending Cornelius against Novatus, *libro secundo, epistola sexta*, saith on this wise; *Ecclesia una est, quæ cum sit una, intus & foris esse non potest.* So that if Novatus were in the true church, then was not Cornelius, who indeed by lawful succession succeeded pope Fabian. Here Saint Cyprian intendeth by the whole process to prove, and concludeth thereupon, that the true church was only Rome. Gather you then what will follow of your fall. But you will say peradventure, that you fell not by heresy, and so said the Arrians, alledging for themselves that they had Scripture, and going about to persuade their schism by Scripture; for indeed they had more places by two and forty, which by their torture seemed to depend upon Scripture, than the Catholics had. So did the Martians provoke their heresy to Scripture. But those are no Scriptures; for they are not truly alledged, nor truly interpreted, but untruly wrested and wrong, according to their own fantasies. And therefore were they all justly condemned, for their wrong taking of the Scriptures, and the church replieth against them, saying; *Qui estis vos? quando? quid agitis in meo, non mei?* The church saith, what make you here in my heritage? from whence came you? the Scripture is mine inheritance; I am right heir thereof. I hold it by true succession of the apostles: for as the apostles required me to hold, so do I hold it. The apostles have received me, and put me in my right, and have rejected you as bastards, having no title thereunto.—Also ye will deny that ye have fallen by apostasy, by breaking your vow; and so Vigilantius said, insomuch that he would admit none to his ministery, but those that had their wives bagged with children. What now? Shall we say that Vigilantius did not fall therefore? Did not Donatus and Novatus fall, because they said so, and brought Scripture for their defence? Then let us believe as we list, pretending well, and say so; nay, there is no man so blind that will say so. For except the church which condemneth them for their say so, do approve us for to do so, then will she condemn you also. So that your denial will not stand. And therefore I tell you, remember from whence ye are fallen, and how long ye shall fall, if you hold on as you do begin. But I trust you will not continue, but revoke yourself in time, and the remedy followeth.—'*Age pœnitentiam, & prima opera fac,*' for by such means as ye have fallen ye must rise again. First, your heart hath fallen, then your tongue and your pen, and besides your own damage hath caused many more to fall. Therefore, first your heart must turn, and then shall the tongue and the pen be quickly turned; *Sin minus, veniam tibi cito, & movebo candelabrum tuum de loco suo.*—I need not to teach you a method to turn; you know the ready way yourself. But I would God I could but exhort you to the right and truth, then the way should soon be found out. For if ye remember how many ye have brought by abominable heresy into the way of perdition, I doubt not but very conscience would move you, as much for them as for yourself, to come again. And so would you spare neither tongue nor pen, if heart were once reformed; for as touching that point, the Holy Ghost toucheth their hearts very near by the mouth of his holy prophet Ezekiel, when he requireth the blood of his flock at the priest's hands, for lack of good and wholesome food. How much more should this touch your guilty heart, having overmuch diligence to teach them the way of perdition, and feeding them with baggage and corrupt food, which is heresy. *Qui convertere fecerit peccatorem ab errore vitæ suæ, salvam faciet animam suam a morte, & operiet multitudinem peccatorum suorum, i.* He that shall convert a sinner from his wicked life, shall save his soul from death, and shall cover the multitude of sins. So that if it be true that he who converteth a sinner, saveth a soul; then the contrary must needs be true, that he that perverteth a soul, and teacheth him the way of perdition, must needs be damned.—*Origines super Paulum ad Romanos;* The damnation of those that preach heresy doth increase to the day of judgment. The more that perish by heretical doctrine, the more grievous shall their torment be, that minister such doctrine. Berengarius who seemed to fear that danger, provided for it in his life time, but not without a troubled and disquiet conscience. He did not only repent, but recant, and not so much for himself, as for them whom he had with most pestilent heresies infected. For as he lay in his death bed upon Epiphany day, he demanded of them that were present, Is this, quoth he,

the day of Epiphany, and appearing of the Lord? They answered him, Yea. Then, quoth he, this day shall the Lord appear to me, either to my comfort, either to my discomfort. This remorse argueth, that he feared the danger of them whom he had taught, and led out of the faith of Christ. Origines upon him saith in this wise; although his own blood was not upon his head, for that he did repent, and was sorry for his former errors, yet being converted, he feared the blood of them whom he had infected, and who received his doctrine.—Let this move you even at the last point. Insomuch as your case is not unlike to Berengarius, let your repentance be like also. And what should stay you, tell me, from this godly return? fear, that ye have gone so far, ye may not return? nay, then I may say as David said, *Illic trepidaverunt ubi non erat timor.* Ye fear where ye have no cause to fear. For if ye repent and be heartily sorry for your former heresy and apostasy, ye need not to fear. For as God of his part is merciful and gracious to the repentant sinner, so is the king, so is the queen merciful, which ye may well perceive by your own case, since ye might have suffered a great whiles ago for treason committed against her highness, but that ye have been spared and reserved upon hope of amendment, which she conceived very good of you, but now (as it seemeth) is but a very desperate hope. And what do you thereby? *Secundum duritiem cordis thesaurizas tibi iram in die iræ, i.* According to the hardness of your heart ye treasure up to yourself anger in the day of wrath.—Well, what is it then, if fear do not hinder you? shame, to unsay that that you have said? Nay, it is no shame, unless ye think it shame to agree with the true and the catholic church of Christ. And if that be shame then blame St. Paul who persecuted the disciples of Christ with the sword, then blame St. Peter, who denied his master Christ with an oath, that he never knew him. St. Cyprian before his return being a witch; St. Austen being nine years out of the church: They thought it no shame after their return of that they had returned. Shall it then be shame for you to convert and consent with the church of Christ? No, no.—What is it then that doth let you? glory of the world? nay, as for the vanity of the world, I for my part judge not in you, being a man of learning, and knowing your estate.—And as for the loss of your estimation, it is ten to one that where you were archbishop of Canterbury, and metropolitan of England, it is ten to one, I say, that ye shall be as well still, yea and rather better.—And as for the winning of good men, there is no doubt but all that be here present, and the whole congregation of Christ's church also will more rejoice of your return, than they were sorry for your fall. And as for the other, ye need not to doubt, for they shall all come after; and to say the truth, if you should lose them for ever it were no force, ye should have no loss thereby at all. I do not here touch them which should confirm your estimation. For as St. Paul after his conversion was received into the church of Christ with wonderful joy to the whole congregation, even so shall you be. The fame of your return shall be spread abroad throughout all Christendom, where your face was never known.—But you will say perhaps, your conscience will not suffer you. My lord, there is a good conscience, and there is a bad conscience. The good conscience have not they, as St. Paul declareth to Timothy concerning Hymeneus and Alexander. The evil and bad conscience is, saith St. Cyprian, well to be known by his mark. What mark? this conscience is marked with the print of heresy. This conscience is a naughty, filthy, and a branded conscience, which I trust is not in you. I have conceived a better hope of you than so, or else would I never go about to persuade or exhort you. But what conscience should stay you to return to the catholic faith and universal church of Christ? what conscience doth separate you to that devilish and several church? to a liberty which never had ground in the holy scriptures? If you judge your liberty to be good, then judge you all Christendom to do evil besides you.—O what a presumptuous persuasion is this, upon this utterly to forsake the church of Christ? under what colour or pretence do you this? for the abuses? as though in your church were no abuses: yes that there were. And if you forsake the universal church for the abuses, why do you not then forsake your particular church, and so be flitting from one to another? that is not the next way, to slip from the church for the abuses; for if you had seen abuses, you should rather have endeavoured for a reformation then for a defection. He is a good chirurgion, who for a little pain in the toe will cut off the whole leg. He helpeth well the tooth-ach, which cutteth away the head by the shoulders. It is mere folly to amend abuses by abuses. Ye are like Diogenes; for Diogenes on a time envying the cleanliness of Plato, said on this wise, *Ecce calco fastum Platonis.* Plato answered, *Sed alio fastu.* So that Diogenes seemed more faulty of the two.—But when we have said all that we can, peradventure you will say, I will not return. And to that I say, I will not answer. Nevertheless, hear what Christ saith to such obstinate and stiffnecked people in the parable of the supper. When he had sent out his men to call them in that were appointed, and they would not come, he bad his servants go into the ways and streets, to compel men to come in: *Cogite intrare.* If then the church will not lose any member that may be compelled to come in, ye must think it good to take the compulsion, lest you lose your part of the supper which the Lord hath prepared for you; and this compulsion standeth well with charity.—But it may perhaps, that some hath animated you to stick to your tackle, and not to give over, bearing you in hand that your opinion is good, and that ye shall die in a good quarrel, and God shall accept your oblation. But hear what Christ saith of a meaner gift; if thou come to the altar to offer thy

oblation, and knowest that thy brother hath somewhat to say against thee, leave there thy gift, and go and be reconciled to thy brother, and then come and offer up thy gift, or else thy brother will make thy offering unsavoury before God. This he said unto all the world, to the end they should know how their offerings should be received, if they were not according. —Remember you therefore before you offer up your offering, whether your gift be qualified or no. Remember the Church of Rome, and also of England, where not one only brother, but a number have matter against you, so just that they will make your burnt offering to stink before God, except you be reconciled. If you must needs appoint upon a sacrifice, make yet a mean first to them that have to lay against you. I say no more than the church hath allowed me to say. For the sacrifice that is offered without the church is not profitable. The premises therefore considered, for God's sake, I say, *Memor esto unde excideris, & age pœnitentiam, & prima opera fac. Sin minus, &c.* Cast not yourself away, spare your body, spare your soul, spare them also whom ye have seduced, spare the shedding of Christ's blood for you in vain. Harden not your heart, acknowledge the truth, yield to the prescript word of God, to the Catholic Church of Rome, to the received verity of all Christendom. Wed not yourself to your own self-will. Stand not too much in your own conceit, think not yourself wiser than all Christendom is besides you. Leave off this unjust cavil. How? leave what? leave reason, leave wonder, and believe as the Catholic Church doth believe and teach you. Persuade with yourself, that *Extra Ecclesiam non est salus, i.* Without the church there is no salvation. And thus much have I said of charity. If this poor simple exhortation of mine may sink into your head, and take effect with you, then have I said as I would have said, otherwise not as I would, but as I could for this present."

And thus bishop Brooks finishing his Oration, sat down. After whom, Dr. Martin, taking the matter in hand, beginneth thus:

The ORATION *of Dr. Martin.*

"ALBERT there be two governments, the one spiritual, and the other temporal, the one having the keys, the other the sword, yet in all ages we read that for the honour and glory of God both these powers have been adjoined together. For if we read the old Testament, we shall find that so did Josias and Ezekias. So did the king of the Ninivites compel a general fast through all the whole city. So did Darius in breaking the great idol, Bell, and delivered godly Daniel out of the den of lions. So did Nebuchadnezzar make and institute laws against the blasphemers of God. But to let pass these examples, with a great number more, and to come to Christ's time, it is not unknown what great travel they took to set forth God's honour: and although the rule and government of the church did only appertain to the spirituality, yet for the suppression of heresies and schisms, kings were admitted as aiders thereunto. First, Constantius the Great called a council at Nice for the suppression of the Arians sect, where the same time was raised a great contention among them. And after long disputation had, when the fathers could not agree upon the putting down of the Arians they referred their judgment to Constantine. God forbid, quoth Constantine; you ought to rule me, and not I you. And as Constantine did, so did Theodosius against the Nestorians, so did Marcianus against Manicheus. Jovinian made a law, that no man should marry with a nun, that had wedded herself to the church.—So had king Henry the 8th the title of defender of the faith, because he wrote against Luther and his complices. So these 900 years the kings of Spain had that title of catholic, for the expulsion of the Arians; and to say the truth, the king and queen's majesties do nothing degenerate from their ancestors, taking upon them to restore again the title to be defender of the faith, to the right heir thereof, the pope's holiness.—Therefore these two princes, perceiving this noble realm, how it hath been brought from the unity of the true and Catholic Church, the which you and your confederates do, and have renounced; perceiving also that you do persist in your detestable errors, and will by no means be revoked from the same, have made their humble request and petition to the pope's holiness, Paulus 4th, as supreme head of the church of Christ, declaring to him, that where you were archbishop of Canterbury, and metropolitan of England, and at your consecration took two solemn oaths, for your due obedience to be given to the see of Rome, to become a true preacher or pastor of his flock, yet contrary to your oath and allegiance, for unity have sowed discord; for chastity, marriage and adultery; for obedience, contention; and for faith, ye have been the author of all mischief. The pope's holiness considering their request and petition, hath granted them, that according to the censure of this realm process should be made against you. And whereas in this late time, you both excluded charity and justice, yet hath his holiness decreed, that you shall have both charity and justice shewed unto you. He willeth you should have the laws in most ample manner to answer in your behalf, and that you shall here come before my lord of Gloucester, as high commissioner from his holiness, to the examination of such articles as shall be proposed against you, and that we should require the examination of you, in the king and queen's majesty's behalf. The king and queen as touching themselves, because by the law they cannot appear personally, *Quia sunt illustris. personæ*, have appointed as their attornies, Dr. Story and me. Wherefore here I offer to your good lordship our proxy, sealed with the broad seal of England, and offer myself to be proctor in the king's majesty's behalf. I exhibit here also certain articles, containing the manifest adultery and

perjury: also books of heresy made partly by him, partly set forth by his authority. And here I produce him as party principal, to answer to your good lordship.

Thus when Dr. Martin had ended his Oration, the Archbishop beginneth, as here followeth:

Cranmer. Shall I then make my Answer?

Martin. As you think good, no man shall let you.

And here the archbishop kneeling down on both knees towards the west, said first the Lord's Prayer. Then rising up he reciteth the Articles of the Creed. Which done, he entereth with his protestation in form as followeth:

The FAITH *and* PROFESSION *of Doctor Cranmer, Archbishop of Canterbury, before the Commissioners.*

CRANMER. This I do profess as touching my faith, and make my Protestation, which I desire you to note. I will never consent that the bishop of Rome shall have any jurisdiction within this realm.

Story. Take a note thereof.

Martin. Mark master Cranmer how you answer for yourself. You refuse and deny him, by whose laws ye yet do remain in life, being otherwise attainted of high treason, and but a dead man by the laws of this realm.

Cran. I protest before God I was no traitor, but indeed I confessed more at my arraignment than was true.

Martin. That is not to be reasoned at this present. Ye know ye were condemned for a traitor, and *Res judicata pro veritate accipitur.* But to proceed to your matter.

Cran. I will never consent to the bishop of Rome, for then should I give myself to the devil; for I have made an oath to the king, and I must obey the king by God's laws. By the Scripture the king is chief, and no foreign person in his own realm above him. There is no subject but to a king. I am a subject, I owe my fidelity to the crown. The pope is contrary to the crown. I cannot obey both; for no man can serve two masters at once, as you in the beginning of your oration declared by the sword and the keys, attributing the keys to the pope, and the sword to the king. But I say the king hath both. Therefore he that is subject to Rome, and the laws of Rome, he is perjured; for the pope's and the judge's laws are contrary, they are uncertain and confounded. A priest indebted by the laws of the realm, shall be sued before a temporal judge; by the pope's laws contrary. The pope doth the king injury, in that he hath his power from the pope. The king is head in his own realm: but the pope claimeth all bishops, priests, curates, &c. So the pope in every realm hath a realm.—Again, by the laws of Rome the benefice must be given by the bishop; by the laws of the realm, the patron giveth the benefice. Herein the laws be as contrary as fire and water. No man can by the laws of Rome proceed in a Præmunire, and so is the law of the realm expelled, and the king standeth accursed in maintaining his own laws. Therefore in consideration that the king and queen take their power of him, as though God should give it to them there is no true subject, unless he be abrogate, seeing the crown is holden of him being out of the realm.—The bishop of Rome is contrary to God, and injurious to his laws; for God commanded all men to be diligent in the knowledge of his law; and therefore hath appointed one holy day in the week at the least, for the people to come to the church and hear the word of God expounded unto them, and that they might the better understand it, to hear it in their mother tongue which they know. The pope doth contrary; for he willeth the service to be had in the Latin tongue, which they do not understand. God would have it to be perceived; the pope will not. When the priest giveth thanks, God would that the people should do so too, and God will them to confess altogether; the pope will not.—Now as concerning the Sacrament, I have taught no false doctrine of the sacrament of the altar: for if it can be proved by any doctor above a thousand years after Christ, that Christ's body is there really, I will give over. My book was made seven years ago, and no man hath brought any authors against it. I believe that whoso eateth and drinketh that sacrament, Christ is within them, whole Christ, his nativity, passion, resurrection and ascension; but not that corporally that sitteth in heaven. Now Christ commanded all to drink of the cup; the pope taketh it away from the lay men, also yet one saith, that if Christ had died for the devil, that he should drink thereof. Christ biddeth us to obey the king, *etiam discolo.* The bishop of Rome biddeth us to obey him: therefore unless he be Antichrist, I cannot tell what to make of him. Wherefore if I should obey him, I cannot obey Christ. He is like the devil in his doings; for the devil said to Christ, if thou wilt fall down and worship me, I will give thee all the kingdoms of the world. Thus he took upon him to give that which was not his own. Even so the bishop of Rome giveth princes their crowns, being none of his own; for where princes either by election, either by succession, either by inheritance obtain their crown, he saith that they should have it from him.—Christ saith, that Antichrist shall be. And who shall he be? Forsooth he that advanceth himself above all other creatures. Now if there be none already that hath advanced himself after such sort besides the pope, then in the mean time let him be Antichrist.

Story. Pleaseth it you to make an end?

Cran. For he will be the vicar of Christ, he will dispense with the Old and New Testament also, yea and with apostasy.—Now I have declared why I cannot with my conscience obey the pope. I speak not this for hatred I bear to him that now supplieth the room, for I know him not. I pray God give him grace not to follow his ancestors. Neither say I this for my

defence, but to declare my conscience for the zeal that I bear to God's word trodden under foot by the bishop of Rome. I cast fear apart, for Christ said to his Apostles, that in the latter days they should suffer much sorrow, and be put to death for his name's sake: fear them not, saith he, but fear him which when he hath killed the body, hath power to cast the soul into fire everlasting. Also Christ saith, that he that will live shall die, and he that loseth his life for my name's sake, he shall find it again. Moreover he said, confess me before men, and be not afraid; for if you do so, I will stand with you; if you shrink from me, I will shrink from you. This is a comfortable and a terrible saying, this maketh me to set all fear apart. I say therefore the bishop of Rome treadeth under foot God's laws and the king's.—The pope would give bishoprics; so would the king. But at the last the king got the upper hand, and so are all bishops perjured first to the pope, and then to the king.—The crown hath nothing to do with the clergy. For if a clerk come before a judge, the judge shall make process against him, but not to execute any laws. For if the judge should put him to execution, then is the king accursed in maintaining his own laws. And therefore say I, that he is neither true to God, neither to the king, that first received the pope. But I shall heartily pray for such counsellors, as may inform her the truth; for the king and queen, if they be well informed, will do well.

Martin. As you understand, then if they maintain the supremacy of Rome, they cannot maintain England too.

Cran. I require you to declare to the king and queen what I have said, and how their oaths do stand with the realm and the pope. S. Gregory saith, he that taketh upon him to be head of the universal church, is worse than the Antichrist. If any man can shew me, that it is not against God's word to hold his stirrup when he taketh his horse, and kiss his feet (as kings do) then will I kiss his feet also.—And you for your part, my lord, are perjured; for now ye sit judge for the pope, and yet you did receive your bishoprick of the king. You have taken an oath to be adversary to the realm; for the pope's laws are contrary to the laws of the realm.

Glocester. You were the cause that I did forsake the pope, and did swear that he ought not to be supreme head, and gave it to king Henry 8th, that he ought to be it, and this you made me to do.

Cranmer. To this I answer, said he; you report me ill, and say not the truth, and I will prove it here before you all. The truth is, that my predecessor, bishop Warrham, gave the supremacy to king Henry 8th, and said that he ought to have it before the bishop of Rome, and that God's word would bear him. And upon the same was there sent to both the Universities Oxford and Cambridge, to know what the word of God would do touching the supremacy, and it was reasoned upon, and argued at length. So at the last both the Universities agreed, and set to their seals, and sent it to king Henry 8th to the court, that he ought to be supreme head, and not the pope. Whereupon you were then doctor of divinity at that time, and your consent was thereunto, as by your hand doth appear. Therefore you misreport me, that I was the cause of your falling away from the pope, but it was yourself. All this was in bishop Warrham's time, and whilst he was alive, so that it was three quarters of a year after ere ever I had the bishoprick of Canterbury in my hands, and before I might do any thing. So that here ye have reported of me that which ye cannot prove, which is evil done.—All this while his cap was on his head.

Glocest. We come to examine you, and you, me think, examine us.

Dr. Story's ORATION.

STORY. Pleaseth it your good lordship, because it hath pleased the king and queen's majesties to appoint my companion and me to hear the examination of this man before your good lordship, to give me leave somewhat to talk in that behalf. Although I know that in talk with heretics there cometh hurt to all men; for it weareth the stedfast, troubleth the doubtful, and taketh in snare the weak and simple: yet because he saith, he is not bound to answer your lordship sitting for the pope's holiness, because of a Premunire, and the word of God as he termeth it; I think good somewhat to say, that all men may see how he runneth out of his race of reason into the rage of common talk, such as here I trust hath done much good. And as the king and queen's majesties will be glad to hear of your most charitable dealing with him; so will they be weary to hear the blundering of this stubborn heretic. And where he alledgeth divinity, mingling *fas nefasque* together, he should not have been heard. For shall it be sufficient for him to alledge, the judge is not competent? Do we not see that in the common law it is not lawful for a man in Westminster hall to refuse his judge? And shall we dispute *contra eum qui negat principia?* Although there be here a great company of learned men, that know it unmeet so to do, yet have I here a plain canon, wherein he declareth himself convicted *ipso facto.* The canon is this; 'Sit ergo ruinæ suo dolore prostratus quisquis Apostolicis volverit contraire decretis, nec locum deinceps inter Sacerdotes habeat, sed exors a sancto hat ministerio, nec de eo ejus judicio quisquam posthac curam habeat, quin jam damnatus a sancta & Apostolica Ecclesia sua inobedientia ac præsumptione a quoquam esse non dubitetur. Quin majoris excommunicationis dejectione est abjiciendus, cui sanctæ Ecclesiæ commissa fuerit disciplina, qui non solum jussionibus prælatæ sanctæ Ecclesiæ parere debuit, sed etiam aliis ne præterirent insinuare. Sitque alienus a divinis & pontificalibus officiis qui noluerit præceptis Apostolicis obtemperare.'—

He hath alleged many matters against the Supremacy, but maliciously. Ye say that the king in his realm is supreme head of the church. Well sir, you will grant me that there was a perfect catholic church before any king was christened. Then if it were a perfect church, it must needs have a head, which must needs be before any king was member thereof; for you know Constantius the emperor was the first christened king that ever was. And although you are bound (as saint Paul saith) to obey your rulers, and kings have rule of the people, yet doth it not follow that they have cure of souls: for *à fortiori*, the head may do that the minister cannot do; but the priest may consecrate, and the king cannot, therefore the king is not head. It was licensed by Christ to every man to bring into the sheepfold, and to augment the flock, but not to rule, for that was only given to Peter. And where the apostles do call upon men to obey their princes, *cui tributum, tributum; cui vectigal, vectigal;* they perceiving that men were bent to a kind of liberty and disobedience, were enforced to exhort them to obedience and payment of their tribute, which exhortation extendeth only to temporal matters.—And again, where you say that the bishop of Rome maketh laws contrary to the laws of the realm, that is not true; for this is a maxim in the law; *Quod in particulari excipitur, non facit universale falsum.*—Now as touching that monstrous talk of your conscience, that is no conscience that ye profess; it is but, *privata sciantia, electio* and *secta*. And as yet for all your glorious babble, you have not proved by God's laws that ye ought not to answer the pope's holiness.—The Canons which be received of all Christendom compel you to answer, therefore you are bound so to do. And although this realm of late time, through such schismatics as you were, hath exiled and banished the canons, yet that cannot make for you. For you know yourself, that *par in parem, nec pars in totum aliquid statuere potest*. Wherefore this isle, being indeed but a member of the whole, could not determine against the whole. That notwithstanding the same laws, being put away by parliament, are now received again by a parliament, and have as full authority now as they had then, and they will now that ye answer to the pope's holiness; therefore by the laws of this realm ye are bound to answer him. Wherefore, my good lord, all that this Thomas Cranmer (I cannot otherwise term him, considering his disobedience) hath brought for his defence, shall nothing prevail with you, nor take any effect. Require him therefore to answer directly to your good lordship; command him to set aside his trifles, and to be obedient to the laws and ordinances of this realm. Take witness here of his stubborn contempt against the king and queen's majesties, and compel him to answer directly to such articles as we shall here lay against him, and in refusal, your good lordship is to excommunicate him."

As soon as Dr. Story had thus ended his tale, beginneth Dr. Martin again to enter speech with the abp.; which Talk I thought here likewise not to let pass, although the report of the same be such, as the author thereof seemeth in his writing very partial; for as he expresseth the speech of Dr. Martin at full, and to the uttermost of his diligence, leaving out nothing in that part, that either was or could be said more; so again on the other part, how raw and weak he leaveth the matter, it is easy to perceive, who neither comprehendeth all that Dr. Cranmer again answered for his defence, nor yet in those short speeches which he expresseth, seemeth to discharge the part of a sincere and faithful reporter. Notwithstanding such as it is, I thought good to let the reader understand, who in perusing the same, may use therein his own judgment and consideration.

TALK *between Dr. Martin and the Archbishop.*

Martin. Master Cranmer, ye have told here a long glorious tale, pretending some matter of conscience in appearance, but in verity you have no conscience at all. You say that you have sworn once to king Henry the 8th against the Pope's jurisdiction, and therefore you may never forswear the same; and so ye make a great matter of conscience in the breach of the said oath. Here will I ask you a question or two. What if ye made an oath to an harlot, to live with her in continual adultery, ought you to keep it?

Cran. I think no.

Mart. What if you did swear never to lend a poor man one penny, ought you to keep it?

Cran. I think not.

Mart. Herod did swear whatsoever his harlot asked of him he would give her, and he gave her John Baptist's head; did he well in keeping his oath?

Cran. I think not.

Mart. Jephtha, one of the judges of Israel, did swear unto God, that if he would give him victory over his enemies, he would offer unto God the first soul that came forth of his house; it happened that his own daughter came first, and he slew her to save his oath. Did he well?

Cran. I think not.

Mart. So saith St. Ambrose *de Officiis. Miserabilis necessitas, quæ solvitur parricidio, id est.* It is a miserable necessity, which is paid with parricide. Then master Cranmer you can no less confess by the premises but that you ought not to have conscience of every oath, but if it be just, lawful, and advisedly taken.

Cran. So was that oath.

Mart. That is not so, for first it was unjust, for it tended to the taking away of another man's right. It was not lawful, for the laws of God and the Church were against it. Besides, it was not voluntary; for every man and woman were compelled to take it.

Cran. It pleaseth you to say so.

Mart. Let all the world be judge. But, sir, you that pretend to have such a conscience to break an oath. I pray you, did you never swear and break the same?

the time of king Henry the 8th, he kept the said wife secretly, and had children by her. *Answ.* Hereunto also he granted; affirming that it was better for him to have his own, than to do like other priests, holding and keeping other men's wives.—5. Item, in the time of king Edward, he brought out the said wife openly, affirming and professing publicly the same to be his wife. *Answ.* He denied not but he so did, and lawfully might do the same, forasmuch as the laws of the realm did so permit him.—6. Item, that he shamed not openly to glory himself to have had his wife in secret many years. *Answ.* And though he so did (he said) there was no cause why he should be ashamed thereof.—7. Item, that the said Thomas Cranmer falling afterward into the deep bottom of errors, did fly and refuse the authority of the Church, did hold and follow the heresy concerning the Sacrament of the altar, and also did compile, and caused to be set abroad divers books. *Answ.* Whereunto when the names of the books were recited to him, he denied not such books which he was the author of. As touching the treatise of Peter Martyr upon the Sacrament, he denied that he ever saw it before it was abroad, yet did approve and well like of the same. As for the Catechism, the book of Articles, with the other book against Winchester, he granted the same to be his doings.—8. Item, that he compelled many against their wills to subscribe to the same Articles. *Answ.* He exhorted (he said) such as were willing to subscribe; but against their wills he compelled none.—9. Item, forsomuch as he surceased not to perpetuate enormous and inordinate crimes, he was therefore cast into the Tower, and from thence was brought to Oxford, at what time it was commonly thought that the parliament there should be holden. *Answ.* To this he said, that he knew no such enormous and inordinate crimes that ever he committed.—10. Item, that in the said city of Oxford he did openly maintain his heresy, and there was convicted upon the same. *Answ.* He defended (he said) there the cause of the Sacrament, but that he was convicted in the same, that he denied.—11. Item, when he persevered still in the same, he was by the public censure of the university pronounced an heretic, and his books to be heretical. *Answ.* That he was so denounced, he denied not; but that he was an heretic, or his books heretical, that he denied.—12. Item, that he was and is notoriously infamed with the note of schism, as who not only himself receded from the catholic church and the see of Rome, but also moved the king and subjects of this realm to the same. *Answ.* As touching the receding, that he well granted; but that receding or departing, said he, was only from the see of Rome, and had it in no matter of any schism.—13. Item, that he had been twice sworn to the pope; and withal Dr. Martin brought out the instrument of the public notary, wherein was contained his protestation made when he should be consecrated, asking if he had any thing else protested. *Answ.* Whereunto he answered, that he did nothing but by the laws of the realm.—14. Item, that he the said archbishop of Canterbury did not only offend in the premises, but also in taking upon him the authority of the see of Rome, in that, without leave or licence from the said see, he consecrated bishops and priests. *Answ.* He granted, that he did execute such things as were wont to be referred to the pope, at what time it was permitted to him by the public laws and determination of the realm.—15. Item, that when the whole realm had subscribed to the authority of the pope, he only still persisted in his error. *Answ.* That he did not admit the pope's authority, he confessed to be true. But that he erred in the same, that he denied.—16. Item, that all and singular the premises be true. *Answ.* That likewise he granted, excepting those things whereunto he had now answered.

After he had thus answered to the Objections aforesaid, and the public notary had entered the same, the Judges and Commissioners, as having now accomplished that wherefore they came, were about to rise up and depart. But the bishop of Gloucester thinking it not the best so to dismiss the people, being somewhat stirred with the words of the Archbishop, began in his Oration in the hearing of the people, thus to declaim:

The ORATION *of Bishop Brooks, in closing up this Examination against Dr. Cranmer, Archbishop of Canterbury.*

"MASTER Cranmer, I cannot otherwise term you, considering your obstinacy, I am right sorry, I am right heartily sorry to hear such words escape your mouth so unadvisedly. I had conceived a right good hope of your amendment. I supposed that this obstinacy of your's came not of a vain glory, but rather of a corrupt conscience, which was the occasion that I hoped so well of your return. But now I perceive by your foolish babble, that it is far otherwise. Ye are so puffed up with vain glory, there is such a *cauteria* of heresy crept into your conscience, that I am clean void of hope, and my hope is turned into perdition. Who can save that will be lost? God would have you to be saved, and you refuse it. *Perditio tua super te Israel; tantummodo in me salvatio tua, ait Dominus per Prophetam, i.* Thy perdition is only upon thyself, O Israel; only in me is thy salvation, saith the Lord by his prophet. You have uttered so erroneous talk, with such open malice against the pope's holiness, with such open lying against the Church of Rome, with such open blasphemy against the Sacrament of the altar, that no mouth could have expressed more maliciously, more lyingly, more blasphemously.—To reason with you, although I would of myself to satisfy this audience, yet may I not by our commission, neither can I find how I may do it with the Scriptures: For the apostle doth command that such a one should not only not be talked

withal, but also shunned and avoided, saying; *Hæreticum hominem post unum aut alterum conventum, devita, sciens quòd hujusmodi perversus est et delinquit, quum sit proprio judicio condemnatus, i.* An heretical person after once or twice conferring, shun, knowing that he is perverse and sinneth, being of his own judgment condemned. Ye have been conferred withal not once or twice, but oftentimes, ye have oft been lovingly admonished, ye have been oft secretly disputed with. And the last year in the open school, in open disputations, ye have been openly convict, ye have been openly driven out of the school with hisses: your book which ye brag you made seven years ago, and no man answered it, Marcus Antonius hath sufficiently detected and confuted, and yet ye persist still in your wonted heresy.—Wherefore being so oft admonished, conferred withal, and convicted, if ye deny you to be the man whom the apostle noteth, hear then what Origen saith, who wrote above 1300 years ago, and interpreteth the saying of the apostle in this way, *in Apologia Pamphili. Hæreticus est omnis ille habendus, qui Christo se credere profitetur, et aliter de Christi veritate sentit quam se habet Ecclesiastica traditio.* Even now ye professed a kind of Christianity and holiness unto us, for at your beginning you fell down upon your knees, and said the Lord's Prayer (God wot like an hypocrite) and then standing upon your feet, you rehearsed the articles of your faith, but to what end I pray you else, but to cloak that inward heresy rooted in you, that you might blind the poor, simple, and unlearned peoples' eyes? For what will they say or think, if they do not thus say? Good Lord, what mean these men to say that he is an heretic, they are deceived, this is a good Christian, he believeth as we believe.—But is this sufficient to escape the name of an heretic? To the simple and unlearned it is sufficient, but for you that have professed a greater knowledge and higher doctrine, it is not enough to recite your belief. For unless, as Origen saith, ye believe all things that the Church hath decreed besides, you are no Christian man. In the which because you do halt, and will come to no conformity; from henceforth ye are to be taken for an heretic, with whom we ought neither to dispute, neither to reason, whom we ought rather to eschew and avoid.—Nevertheless, although I do not intend to reason with you, but to give you up as an abject and out-cast from God's favour, yet because ye have uttered, to the annoying of the people, such pestilent heresies as may do harm among some rude and unlearned, I think meet, and not *absurd*, somewhat to say herein; not because I hope to have any good at your hands, which I would willingly wish, but that I may establish the simple people which be here present, lest they being seduced by your diabolical doctrine, may perish thereby.—And first, as it behoveth every man to purge himself first before he enter with any other, where you accuse me of an oath made against the bishop of Rome, I confess it, and deny it not, and therefore do say with the rest of this realm, good and catholic men, the saying of the prophet; *Peccavimus cum patribus nostris, injuste egimus, iniquitatem fecimus, i.* We have sinned with our fathers, we have done unjustly and wickedly. *Delicta juventutis meæ, & ignorantias meas ne memineris Domine, i.* The sins of my youth, and my ignorances, O Lord do not remember. I was then a young man, and as young a scholar here in the university.—I knew not then what an oath did mean, and yet to say the truth, I did it compulsed, compulsed I say by you master Cranmer, and here were you the author and cause of my perjury, you are to be blamed herein, and not I. Now where you say I made two oaths, the one contrary to the other, it is not so, for the oath I made to the pope's holiness appertaineth only to spiritual things: The other oath I made to the king, pertaineth only to temporal things; that is to say, that I do acknowledge all my temporal livings to proceed only from the king, and from none else. But all men may say, as you agree in this, so ye agree in the rest of your opinions.—Now sir, as concerning the supremacy which is only due to the see of Rome, a word or two. Although there be a number of places which do confirm that Christ appointed Peter head of the church, yet this is a most evident place. When Christ demanded of his apostles whom men called him, they answered; Some Elias, some a prophet, &c. But Christ replied unto Peter, and said, Whom sayest thou Peter that I am? Peter answered; *Tu es Christus, filius Dei:* and Christ replied, *Tu es Petrus, & super hanc Petram ædificabo. Ecclesiam meam.* The doctor's interpreting this place, *super hanc Petram*, expounded it, *id est, non solum super fidum Petri, sed super te Petre.* And why did Christ change his name from Simon to Peter, which in Latin is a stone, but only to declare that he was only the foundation and head of the church.—Again, where Christ demanded of Peter, being amongst the rest of his apostles, three times a new, *Petre, amas me?* he gave him charge over his sheep, *Pasce oves meas, pasce agnos meos.* Which place Chrysostom interpreting, saith, *Pasce, hoc est, loco mei esto præpositus & caput fratrum tuorum.* To conclude, when they came that required didrachma of Christ, he commanded Peter to cast his net into the sea, and to take out of the fish's mouth that he took, *stateram, hoc est, duplex didrachma, & da inquit pro te & me Petre.* Which words do signify, that when he had paid for them two, he had paid for all the rest. For as in the old law there were appointed two heads over the people of Israel, Moses and Aaron, Moses as chief, and Aaron next head under him; so in the new law there were two heads of the church, which were Christ and Peter. Christ is head of all, and Peter next under him. St. Austin in 75 *quæst. Veteris et Novi Testamenti, Salvator (inquit) quum pro se et Petro dari jubebat didrachma,*

pro omnibus ipsum dari censuit, ipsum enim constituit caput eorum, i. Our Saviour Christ, saith St. Austin, commanding the tribute to be given for him and for Peter, meant thereby the same to be given for all other, for he appointed him to be head of them. What can be more plain than this? But I will not tarry upon this matter.—Now as touching the pope's laws, where you say they be contrary, because the service which should be, as you say, in English, is in Latin; I answer, whosoever will take the pains to peruse the chapter, which is in 1. Corinth. 14. shall find, that his meaning is concerning preaching, and *obiter* only of praying. Again, where you say, that the pope's holiness doth take away one part of the sacrament from the laymen, and Christ would have it under both, ye can say no more but this; *Bibite ex eo omnes, i.* Drink ye all of this. And what followeth; *Et biberunt ex eo omnes, i.* And all drank thereof. Now if a man would be so proterve with you, he might say that Christ gave it only to his apostles, in whose places succeeded priests, and not laymen.—And admit that Christ commanded it to be received under both kinds, yet the church hath authority to change that, as well as other. Ye read, that Christ calling his apostles together, said unto them; *Ite, prædicate Evangelium omni nationi, baptizantes in nomine Patris, et Filii, et Spiritus Sancti, i.* Go and preach the gospel to every nation, baptizing them in the name of the Father, of the Son, and the Holy Ghost. But the apostles, being desirous to publish Christ's name every where, did baptize only in Christ's name. Again, Christ before his last supper washed his apostles feet, saying, *Si ego lavi pedes vestros Dominus et Magister, et vos debetis alter alterius lavare pedes, i.* If I have washed your feet being your Lord and Master, also you ought to wash the feet one of another. *Exemplum dedi vobis, i.* I have given you example. This was a precept, yet hath the church altered it, lest the simple people should not think a rebaptization in it. So because saith the apostle, *Accepi à Domino quod et tradidi vobis. Dominus noster qua nocte tradebatur, &c. i.* I have received of the Lord the same which I have delivered to you, that our Lord the same night in which he was betrayed, &c. Notwithstanding that this was a precept that the sacrament should be ministered after supper, the church hath altered it, and commanded it to be received fasting. And where Christ did break the bread, we receive the whole host. Christ ministered sitting at the table, we standing at the altar. It was also commanded in Acts 25th, that Christian men should abstain *à suffocato et sanguine, i.* From strangled and blood. But the church perceiving it to be a precept but for a time, hath altered it. Christ commanded to keep holy, *Diem Sabbati,* The sabbath day, and the church hath altered it to Sunday. If then the church may change things that be so expressed in the scriptures; she may also change the form of receiving of laymen under both kinds, for divers occasions. First, that in carrying it to the sick, the blood may not be shed, lost, or misused. And next, that no occasion might be given to heretics to think that there is not so much under one kind, as under both.—But why would you have it under both kinds, I pray you else, but only to pervert and contrary the commandment of the church? For when you had it under both kinds, you believed in neither. And we having but one, believe both kinds. Now sir, as concerning the sacrament of the altar, where you say, you have a number of doctors of your side, and we none of our side, that is to say, to confirm the real presence of Christ in the sacrament of the altar, indeed one to stop your mouth, I think it not possible to find. Nevertheless, where your request is to have one shewed unto you, and then you will recant, I will shew you two.—St. Austin, *super Psal.* 33. *Ferebatur manibus suis,* I find not how this is true in David, saith he, literally, that he was born in his own hands; but in Christ I find it literally, when he gave his body to his apostles at his last supper.—Again, St. Cyprian, *de Cœna Domini,* saith, *Panis quem Dominus noster discipulis suis porrigebat, non effigie, sed natura mutatus, omnipotentia verbi factus est caro.* What can be more plain than this? yet to your exposition it is not plain enough. But give me your figurative, significative, and such other like terms, and I will defend that Christ hath not yet ascended; no nor yet that he was incarnate, &c. Wherefore I can do no other but put you in the number of them, whom Chrysostom spake of in this wise, saying; *Audi, homo fidelis qui contra hæreticum contendis, si Pharisæi convicti, et non placati et hæretici, &c.* Hear, O thou Christian man, wilt thou do more than Christ could do? Christ confuted the Pharisees, yet could he not put them to silence; *Et fortior es tu Christo?* And art thou stronger than Christ? Wilt thou go about to bring them to silence that will receive no answer? as who should say, thou canst not. Thus much I have said, not for you master Cranmer, for my hope that I conceived of you is now gone and past; but somewhat to satisfy the rude and unlearned people, that they perceiving your arrogant lying and lying arrogancy, may the better eschew your detestable and abominable schism."

And thus ended the prelate his worshipful tale. After whom Dr. Story taketh the matter, and thus inferred in words, as followeth: "Master Cranmer, you have made a goodly process concerning your heretical oath made to the king, but you forget your oath made to the see apostolic. As concerning your oath made to the king, if you made it to him only, it took an end by his death, and so it is released: if you made it to his successors, well sir, the true successors have the empire, and they will you to dissolve the same, and become a member of Christ's Church again, and it standeth well with charity." To this the archbishop answered again, saith the reporter; but what his answer

was, that he suppresseth, and returneth to the words of Dr. Story, who imperiously turning his speech again to the archbishop, said as followeth: 'Hold your peace, sir, and so shall it right well become you, considering that I gave you licence before to say your fancy. Your oath was no oath: for it lacked the three points of an oath, that is to say, *Judicium, Justitiam, et Veritatem.*'

These with the like words to the same effect being uttered by Dr. Story, seeking to break up and make an end of that Session, he eftsoons called for Witnesses to be produced, who should be sworn upon the book, to utter and declare the next day whatsoever they knew, or could remember to be inferred against Dr. Cranmer's Heresy. The names of the Witnesses are these: Dr. Marshal, commissary, and dean of Christ's Church; Dr. Smith, under commissary; Dr. Tresham, Dr. Crooke, M. London, M. Curtop, M. Warde, M. Serles.

After the Depositions of which witnesses being taken, Dr. Story admonished the Archbishop, permitting him to make his exceptions, if he thought any of the said Witnesses were to be refused. Who then would admit none of them all, being men perjured, and not in Christian religion. For if to swear, said he, against the pope were unlawful, they should rather have given their lives, than their oath. But if it were lawful, then are they perjured, to defend him who they forswear before. Nevertheless, this answer of the archbishop being lightly regarded, as little to the purpose appertaining, he was commanded again to the place from whence he came. Who at his departing out, like as at his first coming in, shewed low obedience to Dr. Martin, and to Dr. Story, the queen's commissioners. Then Dr. Story pointing him to the bishop of Gloucester, said, that he ought rather to give reverence unto him. So the reverend archbishop departing without any obeisance exhibited to the bishop, all the other rose up, and departed every one to his own. And thus brake up the session for that day, about two of the clock at afternoon.

And thus much hitherto concerning the summary effect of this Action or Session, with the Orations, Discourses, and Articles commenced against the archbishop of Canterbury, also with the Reasons and Answers of the said archbishop to their objections and interrogatories. Touching which his Answers, for so much as they being recited by report of a Papist (as is aforesaid) seem to be not indifferently handled, it shall therefore not greatly be out of our matter, as ye have heard the Orations of bishop Brooks, with the reasons and talk of the other commissioners, amplified and set forth at large on the one side, so now in repeating the words and answers of the other part, to declare and set forth somewhat more amply and effectually, what speech the said archbishop used for himself in the same action, by the faithful relation and testimony of certain other, who were likewise there present, and do thus report the effect of the archbishop's words, answering to the first Oration of bishop Brooks, in manner as followeth:

A more full ANSWER *of the Archbishop of Canterbury to the first* ORATION *of Bishop Brookes.*

"My lord, you have very learnedly and eloquently in your Oration put me in remembrance of many things touching myself, wherein I do not mean to spend the time in answering of them. I acknowledge God's goodness to me in all his gifts, and thank him as heartily for this state wherein I find myself now, as ever I did for the time of my prosperity; and it is not the loss of my promotions that grieveth me. The greatest grief I have at this time is, and one of the greatest that ever I had in all my life, to see the king and queen's majesties by their proctors here to become my accusers; and that in their own realm and country, before a foreign power. If I have transgressed the laws of the land, their majesties have sufficient authority and power both from God, and by the ordinance of this realm, to punish me, whereunto I both have, and at all times shall be content to submit myself.—Alas! What hath the pope to do in England? whose jurisdiction is so far different from the jurisdiction of this realm, that it is impossible to be true to the one, and true to the other. The laws also are so divers, that whosoever sweareth to both, must needs incur perjury to the one. Which as oft as I remember, even for the love that I bear to her grace, I cannot but be heartily sorry to think upon it, how that her highness the day of her coronation, at which time she took a solemn oath to observe all the laws and liberties of this realm of England, at the same time also took an oath to the bishop of Rome, and promised to maintain that see. The state of England being so repugnant to the supremacy of the pope, it was impossible but she must needs be forsworn in the one. Wherein if her grace had been faithfully advertised by her council, then surely she would never have done it.—The laws of this realm are, that the king of England is the supreme and sole governor of all his countries and dominions: and that he holdeth his crown and sceptre of himself, by the ancient laws, customs, and descents of the kings of the realm, and of none other. The pope saith, that all emperors and kings hold their crowns and regalities of him, and that he may depose them when he list; which is high treason for any man to affirm and think, being born within the king's dominions.—The laws of England are, that all bishops and priests offending in cases of felony or treason, are to be judged and tried by the laws and customs of the realm. The pope's laws are, that the secular power cannot judge the spiritual power, and that they are not under their jurisdiction; which robbeth the king of the one part of his people. —The laws also of England are, that whosoever hindereth the execution or proceeding of the laws of England for any other foreign

laws, ecclesiastical or temporal, incurreth the danger of a Præmunire. The pope's laws are that whosoever hindereth the proceedings or executions of his laws, for any other laws, of any other king or country, both the prince himself, his council, all his officers, scribes, clerks, and whosoever give consent or aid to the making or executing of any such laws, stand accursed. A heavy case (if his curse were any thing worth) that the king and queen cannot use their own laws, but they and all theirs must stand accursed. These things and many more examples he alledged, which (he said) stirred him that he could not give his consent to the receiving of such an enemy into the realm, so subverting the dignity and ancient liberties of the same.—And as for the matter of Heresy and Schism, wherewith he was charged, he protested and called God to witness, that he knew none that he maintained. But if that were an heresy to deny the pope's authority, and the religion which the see of Rome hath published to the world these later years, then all the ancient fathers of the primitive church, the apostles and Christ himself taught heresy: and he desired all them present to bear him witness, that he took the traditions and religion of that usurping prelate to be most erroneous, false, and against the doctrine of the whole scripture; which he had oftentimes well proved by writing, and the author of the same to be very Antichrist, so often preached of by the apostles and prophets, in whom did most evidently concur all signs and tokens whereby he was pointed out to the world to be known.—For it was most evident that he had advanced himself above all emperors and kings of the world, whom he affirmeth to hold their estates and empires of him, as of their chief, and to be at his commandment to depose and erect at his good will and pleasure, and that the stories made mention of his intolerable and insolent pride, and tyranny, used over them in such sort, as no king would have used to his Christian subjects, nor yet a good master to his servants, setting his feet on the emperor's neck, affirming that to be verified in him, which was spoken only of our Saviour Jesus Christ, in these words, *Super aspidem & basiliscum ambulabis, & conculcabis leonem & draconem.* Other some had he made to hold his stirrup, others he had displaced and removed from their empires and seats royal: and not content herewithal, more insolent than Lucifer, he hath occupied not only the highest place in this world, above kings and princes, but hath further presumed to sit in the seat of Almighty God, which only he reserved to himself, which is the conscience of man; and to keep the possession thereof, he hath promised forgiveness of sins *totiens quotiens.*—He hath brought in gods of his own framing, and invented a new religion, full of gain and lucre, quite contrary to the doctrine of the holy scripture, only for the maintaining of his kingdom, displacing Christ from his glory, and holding his people in a miserable servitude of blindness, to the loss of a great number of souls, which God at the latter day shall exact at his hand; boasting many times in his canons and decrees, that he can dispense *Contra Petrum, contra Paulum, contra vetus & novum Testamentum;* and that he *Plenitudine potestatis, tantum potest quantum Deus:* That is, Against Peter, against Paul, against the old and new Testament: and of the fulness of power may do as much as God. O Lord, who ever heard such blasphemy? If there be any man that can advance himself above him, let him be judged Antichrist.—This enemy of God and of our redemption, is so evidently painted out in the scriptures by such manifest signs and tokens, which all so clearly appear in him, that except a man will shut up his eyes and heart against the light, he cannot but know him: and therefore for my part I will never give my consent to the receiving of him into this church of England. And you my lord, and the rest that sit here in commission, consider well and examine your own consciences; you have sworn against him, you are learned, and can judge of the truth. I pray God you be not wilfully blind. As for me, I have herein discharged mine own conscience toward the world, and I will write also my mind to her grace, touching this matter." The copy of which Letter sent to the queen, ye shall find after in the end of his story.

While he in this sort made his Answer, ye heard before how Dr. Story and Martin divers times interrupted him with blasphemous talk, and would fain have had the bishop of Gloucester to put him to silence: who notwithstanding did not, but suffered him to end his tale at full. After this he heard also how they proceeded to examine him of divers Articles, whereof the chief was, That at the time of his creating abp. of Canterbury, he was sworn to the pope, and had his institution and induction from him, and promised to maintain then the authority of that see, and therefore was perjured: wherefore he should rather stick to his first oath, and return to his old fold again, than to continue obstinately in an oath forced in the time of schism.

To that he answered, saving his protestation (which term he used before all his Answers) that at such time as archbishop Warham died, he was ambassador in Germany for the king, who sent for him thereupon home, and having intelligence by some of his friends (who were near about the king) how he meant to bestow the same bishopric upon him, and therefore counselled him in that case to make haste home, he feeling in himself a great inability to such a promotion, and very sorry to leave his study, and especially considering by what means he must have it, which was clean against his conscience which he could not utter without great peril and danger, devised an excuse to the king of matter of great importance, for the which his longer abode there should be most necessary, thinking by that means in his absence, that the king would have bestowed it upon some other, and so remained there by that device, one half year after the king had written for him to come home. But after that no such mat-

ter fell out, as he seemed to make suspicion of, the king sent for him again. Who after his return, understanding still the archbishopric to be reserved for him, made means by divers of his best friends to shift it off, desiring rather some smaller living, that he might more quietly follow his book.—To be brief, when the king himself spoke with him, declaring that his full intention, for his service sake, and for the good opinion he conceived of him, was to bestow that dignity upon him, after long disabling of himself, perceiving he could by no persuasions alter the king's determination, he broke frankly his conscience with him, most humbly craving first his grace's pardon, for that he should declare unto his highness. Which obtained, he declared, that if he accepted the office, then he must receive it at the pope's hand, which he neither would, nor could do, for that his highness was only the supreme governor of this church of England, as well in causes ecclesiastical as temporal, and that the full right and donation of all manner of bishoprics and benefices, as well as of any other temporal dignities, and promotions, appertained to his grace, and not to any other foreign authority, whatsoever it was, and therefore if he might in that vocation serve God, him, and his country, seeing it was his pleasure so to have it, he would accept it, and receive it of his majesty, and of none other stranger, who had no authority within this realm, neither in any such gift, nor in any other thing. Whereat the king, said he, staying a while and musing, asked me how I was able to prove it. At which time I alledged many texts out of the Scriptures, and the Fathers also, approving the supreme and highest authority of kings in their realms and dominions, disclosing therewithal the intolerable usurpation of the pope of Rome.—Afterwards it pleased his highness (quoth the archbishop) many and sundry times to talk with me of it, and perceiving that I could not be brought to acknowledge the authority of the bishop of Rome, the king himself called doctor Oliver, and other civil lawyers, and devised with them how he might bestow it upon me, inforcing me nothing against my conscience. Who thereupon informed him, that I might do it by the way of protestation, and so one to be sent to Rome, who might take the oath, and do every thing in my name. Which when I understood, I said, he should do it *super animam suam*: and I indeed *bona fide* made my protestation, that I did not acknowledge his authority any further, than as it agreed with the express word of God, and that it might be lawful for me at all times to speak against him, and to impugn his errors, when time and occasion should serve me. And this my protestation did I cause to be enrolled, and there I think it remaineth.

They objected to him also that he was married, which he confessed. Whereupon Dr. Martin said, that his children were bond-men to he see of Canterbury. At which saying the archbishop smiled, and asked him if a priest at his benefice kept a concubine, and had by her bastards, whether they were bondsmen to the benefice or no, saying, I trust you will make my children's causes no worse.

After this Dr. Martin demanded of him who was Supreme Head of the Church of England? Marry, quoth my lord of Canterbury, Christ is Head of this member, as he is of the whole body of the universal church. Why, quoth Dr. Martin, you made king Henry 8th supreme head of the Church. Yea, said the archbishop, of all the people of England, as well ecclesiastical as temporal. And not of the church, said Martin? No said he, for Christ is only head of his church, and of the faith and religion of the same. The king is head and governor of his people, which are the visible church. What (quoth Martin) you never durst tell the king so. Yes, that I durst, quoth he, and did, in the publication of his stile, wherein he was named supreme head of the church; there was never other thing meant. A number of other fond and foolish objections were made, with repetition whereof I thought not to trouble the reader.

Thus after they had received his Answers to all their Objections, they cited him (as is aforesaid) to appear at Rome within fourscore days, to make there his personal answers: which he said if the king and queen would send him, he would be content to do, and so thence was carried to prison again, where he continually remained, notwithstanding that he was commanded to appear at Rome.

Wherein all men that have eyes to see may easily perceive the crafty practice of these prelates, and the visored face of their justice, as though the court of Rome would condemn no man before he answered for himself, as all law and equity required. But the very same instant time, the holiness of that unholy father, contrary to all reason and justice, sent his letter executory unto the king and queen to degrade and deprive him of his dignity: which thing he did not only before the 80 days were ended, but before there were 20 days spent. Furthermore, whereas the said Archbishop was first detained in strait prison so that he could not appear (as was notorious both in England and also in the Romish court) and therefore had a lawful and most just excuse of his absence by all laws, both popish and other: yet in the end of the said fourscore days, was that worthy martyr decreed *Contumax*, that is, sturdily, frowardly, and wilfully absent, and in pain of the same his absence condemned and put to death.

Dr. Thurlby and Dr. Bonner come with a new Commission to sit upon the Archbishop the 14th of February, 1556.

THIS Letter or Sentence definitive of the pope was dated about the 1st day of January and was delivered here in England about the midst of February. Upon the receipt of which letters another session was appointed for the Archbishop to appear the 14th day of Feb. before certain Commissioners directed down by the

queen, the chief whereof was the bishop of Ely, Dr. Thurlby. Concerning which Dr. Thurlby by the way here is to be noted, that albeit he was not the said archbishop's houshold chaplain, yet he was so familiarly acquainted with him, so dearly beloved, so inwardly accepted and advanced of him (not like a chaplain, but rather like a natural brother) that there was never any thing in the archbishop's house so dear, were it plate, jewel, horse, maps, books, or any thing else, but if Thurlby did never so little commend it (a subtle kind of begging) the archbishop by and by, either gave it to him, or shortly sent it after him to his house. So greatly was the archbishop enamoured with him, that whosoever would obtain any thing of him, most commonly would make their way before by Dr. Thurlby. Which by matter of the said Dr. Thurlby, I thought here to recite, not so much to upbraid the man with the vice of unthankfulness, as chiefly and only for this, to admonish him of old benefits received, whereby he may the better remember his old benefactor, and so to favour the cause and quarrel of him whom he was so singularly bounden unto. With the said Dr. Thurlby bishop of Ely, was also assigned in the same commission Dr. Bonner bishop of London, which two coming to Oxford upon St. Valentine's day, as the pope's delegates, with a new commission from Rome, by the virtue thereof commanded the archbishop aforesaid to come before them, in the choir of Christ's church, before the high altar, where they sitting (according to their manner) in their pontificalibus, first begun as the fashion is, to read their commission: wherein was contained, how that in the court of Rome all things being indifferently examined, both the articles laid to his charge, with the answers made unto them, and witnesses examined on both parts, and council heard as well on the king and queen's behalf his accusers, as on the behalf of Thomas Cranmer the party guilty, so that he wanted nothing appertaining to his necessary defence, &c. Which foresaid commission, as it was in reading, O Lord, said the archbishop, what lies be these, that I being continually in prison, and never could be suffered to have counsel or advocate at home, should produce witness and appoint my counsel at Rome? God must needs punish this open and shameless lying. They read on the commission which came from the pope, *Plenitudine potestatis,* supplying all manner of defects in law or process, committed in dealing with the archbishop, and giving them full authority to proceed to deprivation and degradation of them, and so upon excommunication to deliver him up to the secular power, *Omni appellatione remota.*

When the Commission was read thus, they proceeding thereupon to his degradation, first cloathed and disguised him; putting on him a surplus, and then an albe; after that the vestiment of a subdeacon, and every other furniture, as a priest ready to masse. When they had apparelled him so far, What, said he, I think I shall say mass: Yea, said Cosins, one of Bonner's chaplains, my lord I trust to see you say mass for all this. Do you so, quoth he? that shall you never see, nor will I ever do it.—Then they invested him in all manner of robes of a bishop and archbishop, as he is at his installing, saving that as every thing then is most rich and costly, so every thing in this of canvas and old clouts, with a mitre and a pall of the same suit done upon him in mockery, and then the crosier staff was put in his hand.

This done after the pope's pontifical form and manner, Bonner, who by the space of many years had borne, as it seemeth, no great good will towards him, and now rejoiced to see this day wherein he might triumph over him, and take his pleasure at full, began to stretch out his eloquence, making his oration to the assembly, after this manner of sort.

Bishop Bonner's ORATION *against the Archbishop Cranmer.*

"THIS is the man that hath ever despised the pope's holiness, and now is to be judged by him. This is the man who hath pulled down so many churches, and now is come to be judged in a church. This is the man that condemned the blessed sacrament of the altar, and now is come to be condemned before that blessed sacrament hanging over the altar. This is the man that like Lucifer sat in the place of Christ upon an altar to judge other, and now is come before an altar to be judged himself."

Whereunto the Archbishop interrupting him said, That in that he belied him, as he did in many other things: for that which he would now seem to charge him withal, was his own fault, if it was any, and none of his. For the thing you mean, was in Paul's church, said he, where I came to sit in Commission; and there was a scaffold prepared for me and others, by you and your officers, and whether there were any altar under it or not, I could not perceive it, nor once suspected it, wherefore you do wittingly evil to charge me with it.—But Bonner went on still in his rhetorical repetition, lying and railing against the archbishop, beginning every sentence with 'this is the man, this is the man,' till at length there was never a man but was weary of the unmannerly usage of him in that time and place: insomuch that the bishop of Ely aforesaid divers times pulled him by the sleeve to make an end, and said to him afterward when they went to dinner, that he had broken promise with him: for he had intreated him earnestly to use him with reverence.

After all this done and finished, they began then to bustle towards his degrading, and first to take from him his crosier staff out of his hands which he held fast, and refused to deliver, and withal, imitating the example of Martin Luther, pulled an appeal out of his left sleeve under the wrist, which he there and then delivered unto them, saying, "I appeal to the next General Council; and herein I have comprehended my cause and form of it, which I desire may be admitted;" and prayed divers of

the standers by, by name to be witnesses, and especially M. Curtop, to whom he spoke twice, &c. The copy of which his Appellation, because it was not printed before, I thought here to exhibit, *ad rei memoriam*, as in form here followeth:

The tenor of the APPEAL *of the Archbishop of Canterbury from the Pope, to the next General Council.*

"IN the name of the Father, and of the Son, and of the holy Ghost.—First, my plain protestation made, that I intend to speak nothing against one holy, catholic and apostolical church, or the authority thereof, the which authority I have in great reverence, and to whom my mind is in all things to obey, and if any thing peradventure, either by slipperiness of tongue, or by indignation of abuses, or else by the provocation of mine adversaries be spoken or done otherwise than well, or not with such reverence as becometh me, I am most ready to amend it.—Although the bishop of Rome, whom they call pope, beareth the room of Christ in earth, and hath authority of God, yet by that power or authority he is not become unsinnable, neither hath he received that power to destroy, but to edify the congregation. Therefore if he shall command any thing that is not right to be done, he ought to take it patiently and in good part, in case he be not therein obeyed. And he must not be obeyed, if he command any thing against the precepts of God: no rather he may lawfully be resisted, even as Paul withstood Peter. And if he being aided by help of princes deceived perchance by false suggestion, or with evil counsel, cannot be resisted, but the remedies of withstanding him be taken away, there is nevertheless one remedy of appealing, which no prince can take away, uttered by the very law of nature.: forsomuch as it is a certain defence, which is meet for every body by the law of God, of nature, and of man.—And whereas the laws do permit a man to appeal, not only from the griefs and injuries done, but also from such as shall be done hereafter, or threatened to be done, in so much that the inferior cannot make laws of not appealing to a superior power; and since it is openly enough confessed, that a holy general council lawfully gathered together in the holy Ghost, and representing the holy Catholic church, is above the pope, especially in matters concerning faith; that he cannot make decrees that men shall not appeal from him to a general council: therefore I Thomas Cranmer, archbishop of Canterbury, or in time past ruler of the metropolitical church of Canterbury, doctor in divinity, do say and publish before you the public notary, and witnesses here present, with mind and intent to challenge and appeal from the persons and griefs underneath written, and to proffer myself in place and time convenient and meet to prove the articles that follow. And I openly confess, that I would lawfully have published them before this day, if I might have had either liberty to come abroad myself, or licence of a notary and witnesses. But further than I am able to do, I know well is not required of the laws. 1st I say and publish, that James by the mercy of God, priest, called Cardinal of the Pit, and of the title of our lady in the way of the church of Rome, judge and commissary specially deputed of our most holy lord the pope, as he affirmed, caused me to be cited to Rome, there to appear fourscore days after the citation served on me, to make answer to certain articles touching the peril of my state and life: and whereas I was kept in prison with most straight ward, so that I could in no wise be suffered to go to Rome, nor to come out of prison, and in so grievous causes concerning state and life, no man is bound to send a proctor, and though I would never so fain send my proctor, yet by reason of poverty I am not able, for all that ever I had, wherewith I should bear my proctor's costs and charges, is quite taken from me, nevertheless the most reverend cardinal aforesaid doth sore threaten me, that whether I shall appear or not, he will nevertheless yet proceed in judgment against me. Wherein I feel myself so grieved, that nothing can be imagined more mischievous or further from reason.—2. The reverend father James Brooks, by the mercy of God bishop of Glocester, judge and under-deputy, as he affirmed, of the most reverend cardinal, caused me to be cited at Oxford, where I was then kept in prison, to answer to certain articles, concerning the danger of my state and life. And when I being unlearned and ignorant in the laws, desired council of the learned in the law, that thing was most unrighteously denied me, contrary to the equity of all laws both of God and man. Wherein again I feel me most wrongfully grieved.—3. And when I refused the said bishop of Gloucester to be my judge, for most just causes, which I then declared, he nevertheless went on still, and made process against me, contrary to the rule of the laws of appealing, which say, 'A judge that is refused ought not to proceed in the cause, but to leave off.' And when he had required of me answers to certain Articles, I refused to make him any answer: I said I would yet gladly make answer to the most renowned king and queen's deputies or attorneys then present, with this condition notwithstanding, that mine answer should be extrajudicial, and that was permitted me. And with this my protestation made and admitted, I made answer; but mine answer was sudden and unprovided for: and therefore I desired to have a copy of mine answers, that I might put to, take away, change and amend them; and this was also permitted me. Nevertheless, contrary to his promise made unto me, no respect had to my protestation, nor licence given to amend mine answer, the said reverend father bishop of Gloucester, as I hear, commanded mine answers to be inacted contrary to the equity of the law. In which thing again I feel me much grieved.—4. Furthermore, I could not for many causes admit the bishop of Rome's usurped authority in this realm, nor consent to

it: First my solemn oath letting me, which I made in the time of king Henry the 8th, of most famous memory, according to the laws of England: Secondly, because I knew the authority of the bishop of Rome, which he usurpeth, to be against the crown, customs, and laws of this realm of England, insomuch, that neither the king can be crowned in this realm, without the most grievous crime of perjury, nor may bishops enjoy their bishopries, nor judgments to be used according to the laws and customs of this realm, except by the bishop of Rome's authority, be accursed both the king and queen, the judges, writers, and executors of the laws and customs, with all that consent to them. Finally, the whole realm shall be accursed.—5. Moreover, that heinous and usurped authority of the bishop of Rome, through reservations of the bishopries, provisions, annuates, dispensations, pardons, appellations, bulls, and other cursed merchandise of Rome, was wont exceedingly to spoil and consume the riches and substance of this realm, all which things should follow again by recognising and receiving of that usurped authority unto the unmeasurable loss of this realm.—6. Finally, it is most evident by that usurped authority, not only the crown of England to be under yoke, the laws and customs of this realm to be thrown down and trodden under foot, but also the most holy decrees of councils, together with the precepts both of the gospel and of God.—When in times past the sun of righteousness being risen in the world, Christian religion by the preaching of the apostles began to be spread very far abroad and to flourish, insomuch that their sound went out into all the world; innumerable people, which walked in darkness, saw a great light, God's glory every where published did flourish, the only cark and care of ministers of the church was purely and sincerely to preach Christ, the people to embrace and follow Christ's doctrine. Then the church of Rome, as it were lady of the world, both was, and also was counted worthily the mother of other churches, for as much as then the first begat to Christ, nourished with the food of pure doctrine, did help them with their riches, succoured the oppressed, and was a sanctuary for the miserable, she rejoiced with them that rejoiced, and wept with them that wept. Then by the examples of the bishops of Rome, riches were despised, worldly glory and pomp was trodden under foot, pleasures and riot nothing regarded. Then this frail and uncertain life, being full of all miseries, was laughed to scorn, while through the example of Romish Martyrs, men did every where press forward to the life to come. But afterward when the ungraciousness of damnable ambition, never satisfied avarice, and the horrible enormity of vices had corrupted and taken the see of Rome; there followed every where almost the deformities of all churches, growing out of kind into the manners of the church their mother, leaving their former innocency and purity, and slipping into foul and heinous usages.—For the foresaid and many other griefs and abuses, which I intend to prove, and do proffer myself in time convenient to prove hereafter, since reformation of the above mentioned abuses, is not to be looked for of the bishop of Rome, neither can I hope by reason of his wicked abuses and usurped authority, to have him an equal judge in his own cause: Therefore I do challenge and appeal in these writings from the pope, having no good council, and from the above named pretences, commissions, and judges, from their citations, processes, and from all other things that have or shall follow therenpon, and from every one of them, and from all their sentences, censures, pains, and punishments, of cursing, suspension, and interdicting, and from all others whatsoever their denouncings and declarations (as they pretend) of schism, of heresy, adultery, deprivation, degrading by them or by any of them, in any manner wise attempted, done, and set forward to be attempted, to be done, and to be set forward hereafter, saving always their honours and reverences, as unequal and unrighteous, most tyrannical and violent, and from every grief to come, which shall happen to me, as well for myself as for all and every one that cleaveth to me, or will hereafter be on my side, unto a free general council, that shall hereafter lawfully be, and in a sure place, to the which place I or a proctor deputed by me, may freely and with safety come, and to him or them, to whom a man may by the law, privilege, custom, or otherwise challenge and appeal.—And I desire the first, the second, and the third time, instantly, more instantly, and most instantly, that I may have messengers, if there be any man that will and can, give me them. And I make open promise of prosecuting this mine Appellation, by the way of disannulling abuse, inequality, and unrighteousness, or otherwise as I shall be better able: choice and liberty reserved to me, to put to, diminish, change, correct, and interpret my sayings, and to reform all things after a better fashion, saving always to me every other benefit of the law, and to them that either be, or will be on my part.—And touching my doctrine of the Sacrament, and other my doctrine, of what kind soever it be, I protest that it was never my mind to write, speak, or understand any thing contrary to the most holy word of God, or else against the holy catholic church of Christ, but purely and simply to imitate and teach those things only, which I had learned of the sacred Scripture, and of the holy catholic church of Christ from the beginning, and also according to the exposition of the most holy and learned fathers and martyrs of the Church.—And if any thing hath peradventure chanced otherwise than I thought; I may err, but heretic I cannot be, forasmuch as I am ready in all things to follow the judgment of the most sacred word of God, and of the holy catholic Church, desiring none other thing, than meekly and gently to be taught, if any where, which God forbid, I have swerved from

the truth.—And I protest and openly confess, that in all my doctrine and preaching, both of the Sacrament, and of other my doctrine whatsoever it be, not only I mean and judge those things, as the catholic Church, and the most holy fathers of old with one accord have meant and judged, but also I would gladly use the same words that they used, and not use any other words, but to set my hand to all and singular their speeches, phrases, ways and forms of speech, which they do use in their treatises upon the Sacrament, and to keep still their interpretation. But in this thing I only am accused for an heretic, because I allow not the doctrine lately brought in of the Sacrament, and because I consent not to words not accustomed in Scripture, and unknown to the ancient fathers, but newly invented and brought in by men, and belonged to the destruction of souls, and overthrowing of the pure and old religion. Given, &c."

This Appeal being put up to the bishop of Ely, he said, My lord, our Commission is to proceed against you, *Omnia appellatione remota*, and therefore we cannot admit it. Why, quoth he, then you do me the more wrong: for my case is not as every private man's case. The matter is between the pope and me immediate, and none otherwise: and I think no man ought to be a judge in his own cause.—Well, quoth Ely, if it may be admitted it shall, and so received it of him. And then began he to persuade earnestly with the archbishop to consider his state, and to weigh it well, while there was time to do him good, promising to become a suitor to the king and queen for him; and so protested his great love and friendship that had been between them, heartily weeping, so that for a time he could not go on with his tale. After going forward, he earnestly affirmed, that if it had not been the king and queen's commandment, whom he could not deny, else no worldly commodity should have made him to have done it, concluding that to be one of the sorrowfullest things that ever happened unto him. The archbishop gently seeming to comfort him, said, he was very well content withal: and so proceeded they to his degradation.—When they came to take off his pall, which is a solemn vesture of an archbishop, then said he, Which of you hath a pall, to take off my pall? Which imported as much as they being his inferiors, could not degrade him. Whereunto one of them said, in that they were but bishops, they were his inferiors, and not competent judges: but being the pope's delegates, they might take his pall, and so they did, and so proceeding took every thing in order from him, as it was put on. Then a barber clipped his hair round about, and the bishop scraped the tops of his fingers where he had been anointed, wherein bishop Bonner behaved himself, as roughly and unmannerly, as the other bishop was to him soft and gentle. Whilst they were thus doing, All this, quoth the archbishop, needed not: I had myself done with this gear long ago. Last of all they stripped him out of his gown into his jacket, and put upon him a poor yeoman beadle's gown, full bare and nearly worn, and as evil favouredly made, as one might lightly see, and a townsman's cap on his head, and so delivered him to the secular power.—After this pageant of degradation, and all was finished, then spake lord Bonner, saying to him, Now are you no lord any more: and so whensoever he spake to the people of him, as he was continually barking against him, ever he used this term, This gentleman here, &c.

And thus with great compassion and pity of every man in this evil-favoured gown was he carried to prison. Whom there followed a gentleman of Gloucestershire with the archbishop's own gown, who, standing by, and being thought to be toward one of the bishops, had it delivered unto him; who by the way talking with him, said, the bishop of Ely protested his friendship with tears. Yet, said he, he might have used a great deal more friendship towards me, and never have been the worse thought on, for I have well deserved it: and going into the prison up with him, asked him if he would drink. Who answered him, saying, if he had a piece of salt-fish, that he had better will to eat: for he had been that day somewhat troubled with this matter, and had eaten little, but now that it is past, my heart, said he, is well quieted. Whereupon the gentleman said, he would give him money with all his heart, for he was able to do it. But he being one toward the law, and fearing master Farmer's case, durst therefore give him nothing, but gave money to the bailiffs that stood by, and said, that if they were good men, they would bestow it on him, for my lord of Canterbury had not one penny in his purse to help him, and so left him, my lord bidding him earnestly farewel, commending himself to his prayers and all his friends. That night this gentleman was staid by Bonner and Ely, for giving him this money: and but for the help of friends, he had been sent up to the council. Such was the cruelty and iniquity of the time, that men could not do good without punishment.

Here followeth the RECANTATION *of the Archbishop, with his Repentance of the same.*

IN this mean time, while the Archbishop was thus remaining in durance, whom they had kept now in prison almost the space of three years, the doctors and divines of Oxford busied themselves all that ever they could about master Cranmer, to have him recant, assaying by all crafty practices and allurements they might devise how to bring their purpose to pass. And to the intent they might win him easily, they had him to the dean's house of Christ's Church in the said university, where he lacked no delicate fare, played at the bowls, had his pleasure for walking, and all other things that might bring him from Christ, over and besides all this, secretly and slightly they suborned certain men, which when they could not expugn him by arguments and disputation, should by entreaty and fair promises, or any other means

allure him to Recantation; perceiving otherwise what a great wound they should receive, if the archbishop had stood stedfast in his sentence: and again on the other side, how great profit they should get, if he as the principal standard-bearer, should be overthrown. By reason whereof the wily papists flocked about him; with threatening, flattering, intreating, and promising, and all other means; specially Henry Sydall, and Friar John a Spaniard, de Villa Garcina, to the end to drive him, to the uttermost of their possibility, from his former sentence to recantation.

First, they set forth how acceptable it would be both to the king and queen, and especially how gainful to him, and for his soul's health the same should be. They added moreover, how the council and the noblemen bare him good will. They put him in hope, that he should not only have his life, but also be restored to his antient dignity, saying, it was but a small matter, and so easy that they required him to do, only that he would subscribe to a few words with his own hand; which if he did, there should be nothing in the realm that the queen would not easily grant him, whether he would have riches or dignity, or else if he had rather live a private life in quiet rest, in whatsoever place he listed, without all public ministery, only that he would set his name in two words to a little leaf of paper; but if he refused, there was no hope of health and pardon: for the queen was so purposed, that she would have Cranmer a catholic, or else no Cranmer at all. Therefore he should chuse whether he thought it better to end his life shortly in the flames and firebrands now ready to be kindled, than with much honour to prolong his life, until the course of nature did call him; for there was no middle way.—Moreover, they exhorted him that he would look to his wealth, his estimation and quietness, saying, that he was not so old, but that many years yet remained in this his so lusty age; and if he would not do it in respect of the queen, yet he should do it for respect of his life, and not suffer that other men should be more careful for his health than he was himself: saying, that this was agreeable to his notable learning and virtues; which being adjoined with his life would be profitable both to himself, and to many other; but being extinct by death, should be fruitful to no man; that he should take good heed that he went not too far; yet there was time enough to restore all things safe, and nothing wanted, if he wanted not to himself. Therefore they would him to lay hold upon the occasion of his health while it was offered, lest if he would now refuse it while it was offered, he might hereafter seek it when he could not have it.

Finally, if the desire of life did nothing move him, yet he should remember that to die is grievous in all ages, and especially in these his years and flower of dignity it were more grievous: but to die in the fire and such torments, is most grievous of all. With these and like provocations these fair flatterers ceased not to solicit and urge him, using all means they could to draw him to their side; whose force his manly constancy did a great while resist. But at last when they made no end of calling and crying upon him, the archbishop being overcome, whether through their importunity, or by his own imbecility, or of what mind I cannot tell, at length gave his hand.

It might be supposed, that it was done for the hope of life, and better days to come. But as we may since perceive by a letter of his sent to a lawyer, the most cause why he desired his time to be delayed, was that he would make an end of Marcus Antonius, which he had already begun: but howsoever it was, plain it was, to be against his conscience. The form of which Recantation made by the friars and doctors, whereto he subscribed, was this:

The Copy and Words of Cranmer's RECANTATION.

"I THOMAS Cranmer late Archbishop of Canterbury, do renounce, abhor, and detest, all manner of heresies and errors of Luther and Zwinglius, and all other teachings which be contrary to sound and true doctrines. And I believe most constantly in my heart, and with my mouth I confess one holy and catholic church visible, without the which there is no salvation; and thereof I acknowledge the bishop of Rome to be supreme head in earth, whom I knowledge to be the highest bishop and pope, and Christ's vicar, unto whom all Christian people ought to be subject.—And as concerning the sacraments, I believe and worship in the sacrament of the altar the very body and blood of Christ, being contained most truly under the forms of bread and wine; the bread through the mighty power of God being turned into the body of our Saviour Jesus Christ, and the wine into his blood. And in the other six sacraments also, like as in this, I believe and hold as the universal church holdeth, and the church of Rome judgeth and determineth.—Furthermore, I believe that there is a place of purgatory, where souls departed be punished for a time, for whom the Church doth godly and wholesomely pray, like as it doth honour saints and make prayers to them. Finally, in all things I profess, that I do not otherwise believe, than the catholic church and the church of Rome holdeth and teacheth. I am sorry that ever I held or thought otherwise. And I beseech Almighty God, that of his mercy he will vouchsafe to forgive me, whatsoever I have offended against God or his church, and also I desire and beseech all Christian people to pray for me. And all such as have been deceived either by mine example or doctrine, I require them by the blood of Jesus Christ, that they will return to the unity of the church, that we may be all of one mind, without schism or division.—And to conclude, as I submit myself to the catholic church of Christ, and to the supreme head

thereof, so I submit myself unto the most excellent majesties of Philip and Mary, king and queen of this realm of England, &c. and to all other their laws and ordinances, being ready always as a faithful subject ever to obey them. And God is my witness that I have not done this for favour or fear of any person, but willingly and of mine own mind, as well to the discharge of mine own conscience, as to the instruction of other."

This Recantation of the archbishop was not so soon conceived, but the doctors and prelates without delay caused the same to be imprinted, and set abroad in all men's hands. Whereunto for better credit, first was added the name of Thomas Cranmer, with a solemn subscription, then followed the witnesses of this Recantation, Henry Sydall, and Friar John de Villa Garcina. All this while Cranmer was in certain assurance of his life, although the same was faithfully promised to him by the doctors; but after that they had their purpose, the rest they committed to all adventure, as became men of that religion to do. The queen, having now gotten a time to revenge her old grief, received his Recantation very gladly: but of her purpose to put him to death she would nothing relent.

Now was Cranmer's cause in a miserable taking, who neither inwardly had any quietness in his own conscience, nor yet outwardly any help in his adversaries. Besides this, on the one side was praise, on the other side scorn, on both sides danger, so that neither he could die honestly, nor yet unhonestly live. And whereas he sought profit, he fell into double disprofit, that neither with good men he could avoid secret shame, nor yet with evil men the note of dissimulation.

In the mean time, while these things were a doing, as I said, in the prison amongst the doctors, the queen taking secret counsel, how to dispatch Cranmer out of the way, who as yet knew nothing of her secret hate, and looked for nothing less than death, appointed Dr. Cole, and secretly gave him in commandment, that against the 21st of March, he should prepare a Funeral Sermon for Cranmer's burning, and so instructing him orderly and diligently of her will and pleasure in that behalf, sendeth him away.

Soon after, the lord Williams of Tame, and the lord Shandoys, sir Tho. Bridges, and sir John Brown were sent for, with other worshipful men and justices, commanded in the queen's name to be at Oxford at the same day, with their servants and retinue, lest Cranmer's death should raise there any tumult.

Cole the doctor having this lesson given him before, and charged by her commandment, returned to Oxford, ready to play his part; who as the day of execution drew near, even the day before, came into the prison to Cranmer; to try whether he abode in the catholic faith wherein before he had left him. To whom, when Cranmer had answered, that by God's grace he would daily be more confirmed in the catholic faith; Cole departing for that time, the next day following repaired to the archbishop again, giving no signification as yet of his death that was prepared: and therefore in the morning, which was the 21st day of March, appointed for Cranmer's execution, the said Cole coming to him, asked if he had any money. To whom when he answered that he had none, he delivered him fifteen crowns to give the poor to whom he would: and so exhorting him so much as he could to constancy in faith, departed thence about his business, as to his sermon appertained.

By this partly, and other like arguments, the Archbishop began more and more to surmise what they went about. Then because the day was not far past, and the lords and knights that were looked for were not yet come, there came to him the Spanish friar, witness of his Recantation, bringing a paper with Articles, which Cranmer should openly profess in his recantation before the people, earnestly desiring him that he would write the said instrument with the articles with his own hand, and sign it with his name: which when he had done, the said friar desired that he would write another copy thereof, which should remain with him, and that he did also. But yet the archbishop being not ignorant whereunto their secret devices tended, and thinking that the time was at hand in which he could no longer dissemble the profession of his faith with Christ's people, he put secretly in his bosom his prayer with his exhortation, written in another paper, which he minded to recite to the people, before he should make the last profession of his faith, fearing lest if they had heard the confession of his faith first, they would not afterward have suffered him to exhort the people.

Soon after about nine of the clock, the lord Williams, sir Thomas Bridges, sir John Brown, and the other justices, with certain other noblemen, that were sent of the queen's council, came to Oxford with a great train of waiting men. Also of the other multitude on every side (as is wont in such a matter) was made a great concourse, and greater expectation. For first of all, they that were of the pope's side were in great hope that day to hear something of Cranmer that should stablish the vanity of their opinion: the other part, which were endued with a better mind, could not yet doubt, that he which by continual study and labour for so many years, had set forth the doctrine of the gospel, either would or could now in the last act of his life forsake his part. Briefly, as every man's will inclined, either to this part or to that, so according to the diversity of their desires, every man wished and hoped for. And yet because in an uncertain thing the certainty could be known of none what would be the end; all their minds were hanging between hope and doubt. So that the greater the expectation was in so doubtful a matter, the more was the multitude, that was gathered thither to hear and behold.

In this so great frequency and expectation,

Cranmor at the length cometh from Bocardo prison unto St. Mary's Church, because it was a foul and rainy day, the chief church in the university, in this order. The mayor went before, next him the aldermen in their place and degree; after them was Cranmer brought between two friars, which mumbling to and fro certain psalms in the streets, answered one another until they came to the church door, and there they began the song of Simeon, *Nunc dimittis*, and entering into the church, the psalm-saying friars brought him to his standing, and there left him. There was a stage set over against the pulpit, of a mean height from the ground, where Cranmer had his standing, waiting until Cole made him ready to his sermon.

The lamentable case and sight of that man gave a sorrowful spectacle to all Christian eyes that beheld him. He that late was Archbishop, Metropolitane, and Primate of England, and the king's privy Chancellor, being now in a bare and ragged gown, and ill favourably cloathed, with an old square cap, exposed to the contempt of all men, did admonish men not only of his own calamity, but also of their state and fortune. For who would not pity his case, and bewail his fortune, and might not fear his own chance, to see such a prelate, so grave a counsellor, and of so long continued honour, after so many dignities, in his old years to be deprived of his estate, adjudged to die, and in so painful a death to end his life, and now presently from such fresh ornaments, to descend to such vile and ragged apparel.

In this habit, when he had stood a good space upon the stage, turning to a pillar near adjoining thereunto, he lifted up his hands to heaven, and prayed unto God once or twice, till at the length Dr. Cole coming into the pulpit, and beginning his Sermon, entered first into mention of Tobias and Zachariah. Whom after he had praised in the beginning of his sermon for their perseverance in the true worshipping of God, he then divided his whole sermon into three parts (according to the solemn custom of the schools) intending to speak first of the mercy of God: secondly, of his justice to be shewed: and last of all, how the prince's secrets are not to be opened. And proceeding a little from the beginning, he took occasion by and by to turn his tale to Cranmer, and with many hot words reproved him, that once he being induced with the savour and feeling of wholesome and catholic doctrine, fell into the contrary opinion of pernicious error; which he had not only defended by writings, and all his power, but also allured other men to do the like, with great liberality of gifts, as it were, appointing rewards for error: and after he had allured them by all means did cherish them.

It were too long to repeat all things, that in long order were pronounced. The sum of his tripartite declamation was, that he said God's mercy was so tempered with his justice, that he did not altogether require punishment according to the merits of offenders, nor yet sometimes suffered the same altogether to go unpunished, yea though they had repented. As in David, who when he was bidden choose of three kinds of punishments which he would, and he had chosen pestilence for three days; the Lord forgave him half the time, but did not release all: and that the same thing came to pass in him also, to whom although pardon and reconciliation was due according to the canons, seeing he repented him of his errors, yet there were causes why the queen and the council at this time judged him to death: of which, lest he should marvel too much, he should hear some. First, that being a Traitor, he had dissolved the lawful matrimony between the king her father and mother; besides the driving out of the pope's authority, while he was metropolitan. Secondly, that he had been an Heretick, from whom as from an author and only fountain all heretical doctrine and schismatical opinions, that so many years have prevailed in England, did first rise and spring; of which he had not been a secret favourer only, but also a most earnest defender even to the end of his life, sowing them abroad by writings and arguments, privately and openly, not without great ruin and decay of the catholic church. And further, it seemed meet, according to the law of equality, that as the death of the duke of Northumberland of late, made even with Thomas More chancellor that died for the church, so there should be one that should make even with Fisher of Rochester; and because that Ridley, Hooper, Ferrar, were not able to make even with that man, it seemed that Cranmer should be joined to them to fill up their part of equality. Besides these there were other just and weighty causes, which seemed to the queen and council, which was not meet at that time to be opened to the common people.

After this, turning his tale to the hearers, he bade all men beware by this man's example, that among men nothing is so high, that can promise itself safety on the earth, and that God's vengeance is equally stretched against all men, and spareth none: therefore they should beware and learn to fear their prince. And seeing the queen's majesty would not spare so notable a man as this, much less in the like cause she would spare other men, that no man should think to make thereby any defence of his error, either in riches or any kind of authority, they had now an example to teach them all, by whose calamity every man might consider his own fortune; who from the top of dignity, none being more honourable than he in the whole realm, and next the king, was fallen into so great misery, as they might now see, being a man of so high degree, sometime one of the chiefest prelates in the church, and an archbishop, the chief of the council, the 2nd person in the realm of long time, a man thought in greatest assurance, having a king on his side; notwithstanding all his authority and defence, to be debased from high estate to a low

degree, of a counsellor to become a caitiff, and to be set in so wretched a state, that the poorest wretch would not change condition with him; briefly so heaped with misery on all sides, that neither was left in him any hope of better fortune, nor place for worse.

The latter part of his Sermon he converted to the archbishop, whom he comforted and encouraged to take his death well, by many places of Scripture, as with these and such like; bidding him not to mistrust, but he should incontinently receive that the thief did, to whom Christ said, *Hodie mecum eris in Paradiso*, That is, 'This day thou shalt be with me in Paradise:' and out of St. Paul he armed him against the terror of the fire, by this, *Dominus fidelis est, non sinet vos tentari ultra quam ferre potestis*, That is, 'The Lord is faithful, which will not suffer you to be tempted above your strength:' by the example of the three children, to whom God made the flame to seem like a pleasant dew, adding also the rejoicing of St. Andrew in his cross, the patience of St. Laurence on the fire, assuring him, that God, if he called on him, and to such as die in his faith, either would abate the fury of the flame, or give him strength to abide it.

He glorified God much in his conversion, because it appeared to be only his work, declaring what travel and conference had been with him to convert him, and all prevailed not, till that it pleased God of his mercy to reclaim him, and call him home. In discoursing of which place, he much commended Cranmer, and qualified his former doings, thus tempering his judgment and talk of him, that all the time (said he) he flowed in riches and honour, he was unworthy of his life: and now that he might not live, he was unworthy of death. But lest he should carry with him no comfort, he would diligently labour (he said) and also he did promise in the name of all the priests that were present, that immediately after his death there should be dirges, masses, and funerals executed for him in all the churches of Oxford for the succour of his soul.

Cranmer in all this mean time, with what great grief of mind he stood hearing this Sermon, the outward shews of his body and countenance did better express, than any man can declare; one while lifting up his hands and eyes unto heaven, and then again for shame letting them down to the earth. A man might have seen the very image and shape of perfect sorrow lively in him expressed. More than 20 several times the tears gushed out abundantly, dropping down marvellously from his fatherly face. They which were present, do testify that they never saw in any child more tears, than burst out from him at that time, all the sermon while; but especially when they recited his prayer before the people. It is marvellous what commiseration and pity moved all men's hearts, that beheld so heavy a countenance, and such abundance of tears in an old man of so reverend dignity.

Cole, after he had ended his Sermon, called back the people that were ready to depart, to prayers. Brethren, said he, lest any man should doubt of this man's earnest conversion and repentance, you shall hear him speak before you, and therefore I pray you master Cranmer, that you will now perform that you promised not long ago; namely, that you would openly express the true and undoubted profession of your faith, that you may take away all suspicion from men, and that all men may understand that you are a Catholic indeed. I will do it, said the Archbishop, and that with a good will; who by and by rising up, and putting off his cap, began to speak thus unto the people:

"I desire you, well beloved brethren in the Lord, that you will pray to God for me, to forgive me my sins, which above all men, both in number and greatness, I have committed. But among all the rest, there is one offence which most of all at this time doth vex and trouble me, whereof in process of my talk you shall hear more in his proper place; and then putting his hand into his bosom, he drew forth his Prayer, which he recited to the people in this sense:

The PRAYER *of Dr. Cranmer.*

"GOOD Christian people, my dearly beloved brethren and sisters in Christ, I beseech you most heartily to pray for me to Almighty God, that he will forgive me all my sins and offences, which be many, without number, and great above measure. But yet one thing grieveth my conscience more than all the rest, whereof God willing, I intend to speak more hereafter. But how great and how many soever my sins be, I beseech you to pray God of his mercy to pardon and forgive them all."

And here kneeling down, he said:

"O Father of heaven, O Son of God, Redeemer of the world; O Holy Ghost, three persons and one God, have mercy upon me most wretched caitiff and miserable sinner. I have offended both against heaven and earth, more than my tongue can express. Whither then may I go, or whither shall I flee? To heaven I may be ashamed to lift up mine eyes, and in earth I find no place of refuge or succour. To thee, therefore, O Lord, do I run; to thee do I humble myself, saying, O Lord my God, my sins be great, but yet have mercy upon me for thy great mercy. The great mystery that God became man, was not wrought for little or few offences. Thou didst not give thy Son, O heavenly Father, unto death for small sins only, but for all the greatest sins of the world, so that the sinner return to thee with his whole heart, as I do here at this present. Wherefore have mercy on me O God, whose property is always to have mercy, have mercy upon me O Lord, for thy great mercy. I crave nothing for mine own merits, but for thy name's sake, that it may be hallowed thereby, and for thy dear Son, Jesus Christ's sake. And now therefore, our Father of heaven, hallowed be thy name, &c."—And then he rising, said:

"Every man, good people, desireth at the

Cranmer at the length cometh from Bocardo prison unto St. Mary's Church, because it was a foul and rainy day, the chief church in the university, in this order. The mayor went before, next him the aldermen in their place and degree; after them was Cranmer brought between two friars, which mumbling to and fro certain psalms in the streets, answered one another until they came to the church door, and there they began the song of Simeon, *Nunc dimittis*, and entering into the church, the psalm-saying friars brought him to his standing, and there left him. There was a stage set over against the pulpit, of a mean height from the ground, where Cranmer had his standing, waiting until Cole made him ready to his sermon.

The lamentable case and sight of that man gave a sorrowful spectacle to all Christian eyes that beheld him. He that late was Archbishop, Metropolitane, and Primate of England, and the king's privy Chancellor, being now in a bare and ragged gown, and ill favourably cloathed, with an old square cap, exposed to the contempt of all men, did admonish men not only of his own calamity, but also of their state and fortune. For who would not pity his case, and bewail his fortune, and might not fear his own chance, to see such a prelate, so grave a counsellor, and of so long continued honour, after so many dignities, in his old years to be deprived of his estate, adjudged to die, and in so painful a death to end his life, and now presently from such fresh ornaments, to descend to such vile and ragged apparel.

In this habit, when he had stood a good space upon the stage, turning to a pillar near adjoining thereunto, he lifted up his hands to heaven, and prayed unto God once or twice, till at the length Dr. Cole coming into the pulpit, and beginning his Sermon, entered first into mention of Tobias and Zachariah. Whom after he had praised in the beginning of his sermon for their perseverance in the true worshipping of God, he then divided his whole sermon into three parts (according to the solemn custom of the schools) intending to speak first of the mercy of God: secondly, of his justice to be shewed: and last of all, how the prince's secrets are not to be opened. And proceeding a little from the beginning, he took occasion by and by to turn his tale to Cranmer, and with many hot words reproved him, that once he being induced with the savour and feeling of wholesome and catholic doctrine, fell into the contrary opinion of pernicious error; which he had not only defended by writings, and all his power, but also allured other men to do the like, with great liberality of gifts, as it were, appointing rewards for error: and after he had allured them by all means did cherish them.

It were too long to repeat all things, that in long order were pronounced. The sum of his tripartite declamation was, that he said God's mercy was so tempered with his justice, that he did not altogether require punishment according to the merits of offenders, nor yet sometimes suffered the same altogether to go unpunished, yea though they had repented. As in David, who when he was bidden choose of three kinds of punishments which he would, and he had chosen pestilence for three days; the Lord forgave him half the time, but did not release all: and that the same thing came to pass in him also, to whom although pardon and reconciliation was due according to the canons, seeing he repented him of his errors, yet there were causes why the queen and the council at this time judged him to death: of which, lest he should marvel too much, he should hear some. First, that being a Traitor, he had dissolved the lawful matrimony between the king her father and mother; besides the driving out of the pope's authority, while he was metropolitan. Secondly, that he had been an Heretick, from whom as from an author and only fountain all heretical doctrine and schismatical opinions, that so many years have prevailed in England, did first rise and spring; of which he had not been a secret favourer only, but also a most earnest defender even to the end of his life, sowing them abroad by writings and arguments, privately and openly, not without great ruin and decay of the catholic church. And further, it seemed meet, according to the law of equality, that as the death of the duke of Northumberland of late, made even with Thomas More chancellor that died for the church, so there should be one that should make even with Fisher of Rochester; and because that Ridley, Hooper, Ferrar, were not able to make even with that man, it seemed that Cranmer should be joined to them to fill up their part of equality. Besides these there were other just and weighty causes, which seemed to the queen and council, which was not meet at that time to be opened to the common people.

After this, turning his tale to the hearers, he bade all men beware by this man's example, that among men nothing is so high, that can promise itself safety on the earth, and that God's vengeance is equally stretched against all men, and spareth none: therefore they should beware and learn to fear their prince. And seeing the queen's majesty would not spare so notable a man as this, much less in the like cause she would spare other men, that no man should think to make thereby any defence of his error, either in riches or any kind of authority, they had now an example to teach them all, by whose calamity every man might consider his own fortune; who from the top of dignity, none being more honourable than he in the whole realm, and next the king, is fallen into so great misery, as they might see, being a man of so high degree, [illegible] one of the chiefest prelates in the [illegible] an archbishop, the chief of the [illegible] person in the realm of long time, [illegible] in greatest assurance, having [illegible] side; notwithstanding all [illegible] fence, to be debased from

degree, of a counsellor to become a caitiff, and to be set in so wretched a state, that the poorest wretch would not change condition with him; briefly so heaped with misery on all sides, that neither was left in him any hope of better fortune, nor place for worse.

The latter part of his Sermon he converted to the archbishop, whom he comforted and encouraged to take his death well, by many places of Scripture, as with these and such like; bidding him not to mistrust, but he should incontinently receive that the thief did, to whom Christ said, *Hodie mecum eris in Paradiso*, That is, 'This day thou shalt be with me in Paradise:' and out of St. Paul he armed him against the terror of the fire, by this, *Dominus fidelis est, non sinet vos tentari ultra quam ferre potestis*, That is, 'The Lord is faithful, which will not suffer you to be tempted above your strength:' by the example of the three children, to whom God made the flame to seem like a pleasant dew, adding also the rejoicing of St. Andrew in his cross, the patience of St. Laurence on the fire, assuring him, that God, if he called on him, and to such as die in his faith, either would abate the fury of the flame, or give him strength to abide it.

He glorified God much in his conversion, because it appeared to be only his work, declaring what travel and conference had been with him to convert him, and all prevailed not, till that it pleased God of his mercy to reclaim him, and call him home. In discoursing of which place, he much commended Cranmer, and qualified his former doings, thus tempering his judgment and talk of him, that all the time (said he) he flowed in riches and honour, he was unworthy of his life: and now that he might not live, he was unworthy of death. But lest he should carry with him no comfort, he would diligently labour (he said) and also he did promise in the name of all the priests that were present, that immediately after his death there should be dirges, masses, and funerals executed for him in all the churches of Oxford for the succour of his soul.

Cranmer in all this mean time, with what great grief of mind he stood hearing this Sermon, the outward shews of his body and countenance did better express, than any man can declare; one while lifting up his hands and eyes unto heaven, and then again for shame letting them down to the earth. A man might have seen the very image and shape of perfect sorrow lively in him expressed. More than 20 several times the tears gushed out abund[antly], dropping down marvellously from his [eyes] face. They which were present, do [report] they never saw in any c[ase] burst out from him at t[he] while; but especiall[y] prayer before the [sermon] what commiseratio[n] hearts, that behe[ld] and such abunda[nce] so reverend digni[ty] Cole, after h[is]

back the people that were ready to depart, to prayers. Brethren, said he, lest any man should doubt of this man's earnest conversion and repentance, you shall hear him speak before you, and therefore I pray you master Cranmer, that you will now perform that you promised not long ago; namely, that you would openly express the true and undoubted profession of your faith, that you may take away all suspicion from men, and that all men may understand that you are a Catholic indeed. I will do it, said the Archbishop, and that with a good will; who by and by rising up, and putting off his cap, began to speak thus unto the people:

"I desire you, well beloved brethren in the Lord, that you will pray to God for me, to forgive me my sins, which above all men, both in number and greatness, I have committed. But among all the rest, there is one offence which most of all at this time doth vex and trouble me, whereof in process of my talk you shall hear more in his proper place; and then putting his hand into his bosom, he drew forth his Prayer, which he recited to the people in this sense:

The PRAYER *of Dr. Cranmer.*

"GOOD Christian people, my dearly beloved brethren and sisters in Christ, I beseech you most heartily to pray for me to Almighty God, that he will forgive me all my sins and offences, which be many, without number, and great above measure. But yet one thing grieveth my conscience more than all the rest, whereof God willing, I intend to speak more hereafter. But how great and how many soever my sins be, I beseech you to pray God of his mercy to pardon and forgive them all."

And here kneeling down, he said:

"O Father of heaven, O Son of God, Redeemer of the world; O Holy Ghost, three persons and one God, have mercy upon me most wretched caitiff and miserable sinner. I have offended both against heaven and earth, more than my tongue can express. Whither then may I go, or whither shall I flee? To heaven I may be ashamed to lift up mine eyes, and in earth I find no place of refuge or succour. To thee, therefore, O Lord, do I [flee]; to thee do I humble myself, saying, O Lord my God, my sins be great, but yet have mercy upon me for thy great mercy. The great mystery that God became man, was not wrought for little or few offences. Thou didst not give thy Son, O heavenly Father, unto death for [our] sins only, but for all the greatest sins of the world, so that the sinner return to thee with a whole heart, as I do here at this present. Therefore have mercy on me O God, whose property is always to have mercy, have mercy on me O Lord, for thy great mercy. I [crave] nothing for mine own merits, but for thy name's sake, that it may be glorified thereby, and for thy dear Son Christ's sake. And now [I] [know] that there be many [that] [do] [report] of me, that I do dissemble, and for fear of death do say [that] which in my heart I do not believe, as the papists untruly report of me, which hereafter shall be seen when my life is ended. But I beseech Almighty God that my open confession of my faith, which I shall make before my death, may stop the mouths of all evil speakers, and that they may have none occasion to report any of [my] [doings] [or] [writings] to the setting forth of their evil purposed minds."

time of his death to give some good exhortation that others may remember the same before their death, and be the better thereby: so I beseech God grant me grace, that I may speak something at this my departing, whereby God may be glorified, and you edified.—First, it is an heavy case to see that so many folk so much dote upon the love of this false world, and be so careful for it, that of the love of God, or the world to come, they seem to care very little or nothing. Therefore this shall be my first exhortation, that you set not your minds overmuch upon this glozing world, but upon God, and upon the world to come; and to learn to know what this lesson meaneth, which St. John teacheth, 'that the love of this world is hatred against God.'—The second exhortation is, that next under God you obey your king and queen willingly and gladly, without murmuring or grudging; not for fear of them only, but much more for the fear of God; knowing that they be God's ministers, appointed by God to rule and govern you: and therefore whosoever resisteth them, resisteth the ordinance of God.—The third exhortation is, that you love altogether like brethren and sisters. For alas, pity it is to see what contention and hatred one Christian man beareth to another, not taking each other as brother and sister, but rather as strangers and mortal enemies. But I pray you learn and bear well away this one lesson, To do good unto all men, as much as in you lieth, and to hurt no man, no more than you would hurt your own natural loving brother or sister. For this you may be sure of, that whosoever hateth any person, and goeth about maliciously to hinder or hurt him, surely, and without all doubt God is not with that man, although he think himself never so much in God's favour.—The fourth exhortation shall be to them that have great substance and riches of this world, that they will well consider and weigh three sayings of the Scripture. One is of our Saviour Christ himself, who saith, Luke 18. 'It is hard for a rich man to enter into the kingdom of heaven.' A sore saying, and yet spoken of him that knoweth the truth. The second is of St. John, 1 John 3, whose saying is this, 'He that hath the substance of this world, and seeing his brother in necessity, and shutteth up his mercy from him, how can he say that he loveth God?' The third is of Saint James, who speaketh to the covetous rich man after this manner, 'Weep you and howl for the misery that shall come upon you: your riches do rot, your cloaths be moth-eaten, your gold and silver doth canker and rust, and their rust shall bear witness against you, and consume you like fire: you gather a hoard or treasure of God's indignation against the last day.' Let them that be rich ponder well these three sentences: for if they ever had occasion to shew their charity, they have it now at this present, the poor people being so many, and victuals so dear.—And now for as much as I am come to the last end of my life, whereupon hangeth all my life past, and all my life to come, either to live with my master Christ for ever in joy, or else to be in pain for ever, with wicked devils in hell, and I see before mine eyes presently either heaven ready to receive me, and else hell ready to swallow me up: I shall therefore declare unto you my very faith how I believe, without any colour of dissimulation: for now is no time to dissemble, whatsoever I have said or written in times past. First, I believe in God the Father Almighty, maker of heaven and earth, &c. And I believe every article of the catholic faith, every word, and sentence taught by our Saviour Jesus Christ, his apostles and prophets, in the new and old Testament. And now I come to the great thing, that so much troubleth my conscience, more than any thing that ever I did or said in my whole life, and that is the setting abroad of a writing contrary to the truth; which now here I renounce and refuse, as things written with my hand, contrary to the truth which I thought in my heart, and written for fear of death, and to save my life if it might be, and that is, all such bills and papers which I have written or signed with my hand since my degradation; wherein I have written many things untrue. And forasmuch as my hand offended, writing contrary to my heart, my hand shall first be punished therefore: for may I come to the fire it shall be first burned.—And as for the pope, I refuse him, as Christ's enemy and Antichrist, with all his false doctrine. And as for the Sacrament, I believe as I have taught in my book against the bishop of Winchester, the which my book teacheth so true a doctrine of the Sacrament, that it shall stand at the last day before the judgment of God, where the papistical doctrine contrary thereto shall be ashamed to shew her face."

Here the standers by were all astonished, marvelled, were amazed, did look one upon another, whose expectation he had so notably deceived. Some began to admonish him of his Recantation, and to accuse him of falshood. Briefly it was a world to see the doctors beguiled of so great an hope. I think there was never cruelty more notably or better in time deluded and deceived. For it is not to be doubted but they looked for a glorious victory and a perpetual triumph by this man's retractation. Who as soon as they heard these things, began to let down their ears, to rage, fret, and fume; and so much the more, because they could not revenge their grief; for they could now no longer threaten or hurt him. For the most miserable man in the world can die but once: and whereas of necessity he must needs die that day, though the Papists had been never so well pleased: now being never so much offended with him, yet could he not be twice killed of them. And so when they could do nothing else unto him, yet lest they should say nothing, they ceased not to object unto him his falshood and dissimulation. Unto which accusation he answered, Ah my masters (quoth he) do not you take it so. Always since I lived hitherto, I have been

a hater of falshood, and a lover of simplicity, and never before this time have I dissembled; and in saying this, all the tears that remained in his body, appeared in his eyes. And when he began to speak more of the Sacrament and of the Papacy, some of them began to cry out, yelp, and bawl, and specially Cole cried out upon him: Stop the heretic's mouth and take him away.—And then Cranmer being pulled down from the stage was led to the fire, accompanied with those friars, vexing, troubling, and threatening him most cruelly. What madness (say they) hath brought thee again into this error, by which thou wilt draw innumerable souls with thee into hell? To whom he answered nothing, but directed all his talk to the people, saving that to one troubling him in the way he spake, and exhorted him to get him home to his study, and apply his book diligently, saying, if he did diligently call upon God, by reading more he should get knowledge. But the other Spanish barker, raging and foaming, was almost out of his wits, always having this in his mouth, *Non fecisti?* Didest thou it not? But when he came to the place where the holy bishops and martyrs of God, Hugh Latimer and Ridley, were burnt before him for the confession of the truth, kneeling down he prayed to God, and not long tarrying in his prayers, putting off his garments to his shirt, he prepared himself to death. His shirt was made long down to his feet. His feet were bare. Likewise his head, when both his caps were off, was so bare, that one hair could not be seen upon it. His beard was long and thick, covering his face with marvellous gravity. Such a countenance of gravity moved the hearts both of his friends, and of his enemies.

Then the Spanish friars John and Richard, of whom mention was made before, began to exhort him and play their parts with him, afresh but with vain and lost labour. Cranmer with stedfast purpose abiding in the profession of his doctrine, gave his hand to certain old men, and other that stood by bidding them farewell.—And when he had thought to have done so likewise to Ely, the said Ely drew back his hand and refused, saying, it was not lawful to salute heretics, and specially such a one as falsely returned unto the opinions that he had forsworn. And if he had known before that he would have done so, he would never have used his company so familiarly, and chid those sergeants and citizens, which had not refused to give him their hands. This Ely was a priest lately made, and student in divinity, being then one of the fellows of Brasen-nose. Then was an iron chain tied about Cranmer, whom when they perceived to be more stedfast than that he could be moved from his sentence, they commanded the fire to be set unto him.

And when the wood was kindled, and the fire began to burn near him, stretching out his arms, he put his right hand into the flame, which he held so stedfast and immoveable (saving that once with the same hand he wiped his face) that all men might see his hand burned before his body was touched. His body did so abide the burning of the flame with such constancy and steadfastness, that standing always in one place without moving his body, he seemed to move no more than the stake to which he was bound; his eyes were lifted up into heaven, and oftentimes he repeated his unworthy right hand, so long as his voice would suffer him; and using often the words of Stephen, 'Lord Jesus receive my spirit,' in the greatness of the flame he gave up the ghost.*

This fortitude of mind, which perchance is rare and not found among the Spaniards, when friar John saw, he said it came not of fortitude, but of desperation, although such manner of examples which are of the like constancy, have been common here in England, ran to the lord Williams of Tame, crying that the archbishop was vexed in mind, and died in great desperation. But he, which was not ignorant of the archbishop's constancy, being unknown to the Spaniards, smiled only, and (as it were) by silence rebuked the friar's folly. And this was the end of this learned archbishop, whom, lest by evil subscribing he should have perished, by well recanting God preserved: and lest he should have lived longer with shame and reproof, it pleased God rather to take him away, to the glory of his name and profit of his church. So good was the Lord both to his church in fortifying the same with the testimony and blood of such a martyr, and so good also to the man with this cross of tribulation, to purge his offences in this world, not only of his recantation, but also of his standing against John Lambert and Mr. Allen, or if there were any other, with whose burning and blood his hands had been before any thing polluted. But especially he had to rejoice, that dying in such a cause he was to be numbered amongst Christ's martyrs, much more worthy the name of Saint Thomas of Canterbury, than he whom the pope falsely before did canonise.

And thus have you the full Story concerning the Life and Death of this reverend archbishop and martyr of God, Thomas Cranmer, and also of divers other the learned sort of Christ's martyrs burned in queen Mary's time, of whom this archbishop was the last, being burnt about the very middle time of the reign of that queen, and almost the very middle man of all the martyrs which were burned in all her reign besides. Now after the Life and Story of this foresaid archbishop discoursed, let us adjoin withal his Letters, beginning first with his famous Letter to queen Mary, which he wrote unto her incontinent after he was cited up to Rome by

* On the same day that Cranmer ended his life, (says bishop Godwin) cardinal Pole took sacerdotal orders at Greenwich; and the next day, Naboth being dead, he possessed himself of his vineyard, being consecrated archbishop of Canterbury. Three days afterwards, on the feast of annunciation, attended by many of the nobility to Bow-church, he received the pall with great pomp and ceremony.

bishop Brooks and his fellows, the tenour whereof here followeth.

LETTERS OF DR. THOMAS CRANMER, ARCHBISHOP OF CANTERBURY.

To the Queen's Highness.

"IT may please your majesty to pardon my presumption, that I dare be so bold to write to your highness. But very necessity constraineth me, that your majesty may know my mind, rather by mine own writing than by other men's reports. So it is that upon Wednesday, being the twelfth day of this month, I was cited to appear at Rome the 80th day after, there to make answer to such matters as should be objected against me upon the behalf of the king, and your most excellent majesty, which matters the Thursday following were objected against me by Dr. Martin, and Dr. Story your majesty's proctors before the bishop of Gloucester, sitting in judgment by commission from Rome. But (alas) it cannot but grieve the heart of a natural subject, to be accused of the king and queen of his own realm; and specially before an outward judge, or by authority coming from any person out of this realm: where the king and queen, as if they were subjects within their own realm, shall complain, and require justice at a stranger's hands against their own subject, being already condemned to death by their own laws. As though the king and queen could not do or have justice within their own realms against their own subjects, but they must seek it at strangers hands in a strange land; the like whereof (I think) was never seen. I would have wished to have had some meaner adversaries: and I think that death shall not grieve me much more, than to have my most dread and most gracious sovereign lord and lady, to whom under God I do own all obedience, to be mine accusers in judgment within their own realm, before any stranger and outward power. But forasmuch as in the time of the prince of most famous memory king Henry 8th your grace's father, I was sworn never to consent, that the bishop of Rome should have or exercise any authority or jurisdiction in this realm of England, therefore lest I should allow his authority contrary to mine oath, I refused to make answer to the bishop of Gloucester sitting here in judgment by the pope's authority, lest I should run into perjury.—Another cause why I refused the pope's authority is this, that his authority, as he claimeth it, repugneth to the crown imperial of this realm, and to the laws of the same; which every true subject is bound to defend. First, for that the pope saith, that all manner of power, as well temporal as spiritual, is given first to him of God; and that the temporal power he giveth unto emperors and kings, to use it under him, but so as it be always at his commandment and beck.—But contrary to this claim, the imperial crown and jurisdiction temporal of this realm is taken immediately from God, to be used under him only, and is subject unto none, but to God alone.

Moreover, to the imperial laws and customs of this realm the king in his coronation, and all justices when they receive their offices, be sworn, and all the whole realm is bound to defend and maintain. But contrary hereunto, the pope by his authority maketh void, and commandeth to blot out of our books, all laws and customs being repugnant to his laws, and declareth accursed all rulers and governors, all the makers, writers, and executers of such laws or customs; as it appeareth by many of the pope's laws, whereof one or two I shall rehearse. In the decrees dist. 10. is written thus, 'Constitutiones contra canones & decreta præsulum Romanorum vel bonos mores, nullius sunt momenti.' That is, The constitutions or statutes enacted against the canons and decrees of the bishops of Rome or their good customs, are of none effect. Also 'extra. de sententia excommunicationis, noverit, excommunicamus omnes hæreticos utriusque sexus, quocunque nomine censeantur, & fautores, & receptores, & defensores eorum; nec non & qui de cætero servari fecerint statuta edita & consuetudines contra ecclesiæ libertatem, nisi ea de capitularibus suis intra duos menses post hujusmodi publicationem sententiæ fecerint amoveri. Item, excommunicamus statutarios, & scriptores statutorum ipsorum, nec non potestates, consules, rectores. & consiliarios locorum, ubi de cætera hujusmodi statuta & consuetudines editæ suerint vel servatæ; nec non & illos qui secundum ea presumpserint judicare, vel in publicam formam scribere judicata.' That is to say, We excommunicate all heretics of both sexes, what name soever they be called by, and their fautors, and receptors, and defenders; and also them that shall hereafter cause to be observed the statutes and customs made against the liberty of the church, except they cause the same to be put out of their records and chapters within two months after the publication thereof. Also we excommunicate the statute makers and writers of those statutes, and all the potestates, consuls, governors and counsellors of places, where such statutes and customs shall be made or kept; and also those that shall presume to give judgment according to them, or shall notify in public form the matter so adjudged.—Now by these laws, if the bishop of Rome's authority which he claimeth by God, be lawful, all your grace's laws and customs of your realm, being contrary to the pope's laws, be nought, and as well your majesty, as your judges, justices, and all other executors of the same, stand accursed amongst heretics, which God forbid. And yet this curse can never be avoided (if the pope have such power as he claimeth) until such times as the laws and customs of this realm, being contrary to his laws, be taken away and blotted out of the law books. And although there be many laws of this realm contrary to the laws of Rome, yet I named but a few; as to convict a clerk before any temporal judge of this realm for debt, felony, murder, or for any other crime; which clerks by the pope's laws be so exempt from the king's laws, that they can be nowhere sued but before their ordinary.—Also the pope

by his laws may give all bishoprics and benefices spiritual; which by the laws of this realm can be given but only by the king and other patrons of the same, except they fall into the lapse. By the pope's laws, *jus patronatus* shall be sued only before the ecclesiastical judge; but by the laws of the realm it shall be sued before the temporal judge.—And to be short, the laws of this realm do agree with the pope's laws like fire and water. And yet the kings of this realm have provided for their laws by the *præmunire;* so that if any man have let the execution of the laws of this realm by any authority from the see of Rome, he falleth into the *præmunire.* But to meet with this, the popes have provided for their laws by cursing. For whosoever letteth the pope's laws to have full course within this realm, by the pope's power standeth accursed. So that the pope's power treadeth all the laws and customs of this realm under his feet, cursing all that execute them, until such time as they do give place unto his laws.—But it may be said, that notwithstanding all the pope's decrees, yet we do execute still the laws and customs of this realm. Nay, not all quietly without interruption of the pope. And where we do execute them, yet we do it unjustly, if the pope's power be of force, and for the same we stand excommunicate, and shall do, until we leave the execution of our own laws and customs. Thus we be well reconciled to Rome, allowing such authority, whereby the realm standeth accursed before God, if the pope have any such authority.—These things, as I suppose, were not fully opened in the parliament-house, when the pope's authority was received again within this realm; for if they had, I do not believe that either the king or queen's majesty, or the nobles of this realm, or the commons of the same would ever have consented to receive again such a foreign authority, so injurious, hurtful, and prejudicial as well to the crown, as to the laws and customs and state of this realm, as whereby they must needs acknowledge themselves to be accursed. But none could open this matter well but the clergy, and such of them as had read the pope's laws, whereby the pope had made himself as it were a god. These seek to maintain the pope whom they desired to have their chief head, to the intent they might have as it were a kingdom and laws within themselves, distinct from the laws of the crown, and wherewith the crown may not meddle; and so being exempted from the laws of the realm, might live in this realm like lords and kings, without damage or fear of any man, so that they please their high and supreme head at Rome. For this consideration, I ween, some that knew the truth, held their peace in the parliament, whereas if they had done their duties to the crown and whole realm, they should have opened their mouths, declared the truth, and shewed the perils and dangers that might ensue to the crown and realm.—And if I should agree to allow such authority within this realm, whereby I must needs confess, that your most gracious highness, and also your realm should ever continue accursed, until ye shall cease from the execution of your own laws and customs of your realm; I could not think myself true either to your highness, or to this my natural country, knowing that I do know. Ignorance, I know, may excuse other men; but he that knoweth how prejudicial and injurious the power and authority which he challengeth every where, is to the crown, laws, and customs of this realm, and yet will allow the same, I cannot see in any wise how he can keep his due allegiance, fidelity, and truth to the crown and state of this realm.—Another cause I alledged, why I could not allow the authority of the pope, which is this; that by his authority he subverteth not only the laws of this realm, but also the laws of God: so that whosoever be under his authority, he suffereth them not to be under Christ's religion purely, as Christ did command. And for one example I brought forth, that whereas by God's laws all Christian people be bounden diligently to learn his word, that they may know how to believe and live accordingly, for that purpose he ordained holidays, when they ought, leaving apart all other business, to give themselves wholly to know and serve God. Therefore God's will and commandment is, that when the people be gathered together, ministers should use such language as the people may understand and take profit thereby, or else hold their peace. For as an harp or lute, if it give no certain sound that men may know what is stricken, who can dance after it? for all the sound is in vain; so is it in vain, and profiteth nothing, saith Almighty God by the mouth of saint Paul, if the priest speak to the people in a language which they know not; for else he may profit himself; but profiteth not the people, saith saint Paul. But herein I was answered thus; that saint Paul spake only of preaching, that the preacher should preach in a tongue which the people did know, or else his preaching availeth nothing; but if the preaching availeth nothing, being spoken in a language which the people understand not, how should any other service avail them, being spoken in the same language? And yet that saint Paul meant not only of preaching, it appeareth plainly by his own word. For he speaketh by name expressly of praying, singing, and thanking of God, and of all other things which the priests say in the churches, whereunto the people say amen; which they use not in preaching, but in other divine service: that whether the priests rehearse the wonderful works of God, or the great benefits of God unto mankind above all other creatures, or give thanks unto God, or make open profession of their faith, or humble confession of their sins, with earnest request of mercy and forgiveness, or make suit or request unto God for any thing; then all the people understanding what the priests say, might give their minds and voices with them, and say amen, that is to say, allow what the priests say, that the rehearsal of God's universal works and benefits, the

giving of thanks, the profession of faith, the confession of sins, and the requests and petitions of the priests and of the people might ascend up into the ears of God altogether, and be as a sweet savour, odour, and incense in his nose; and thus was it used many hundred years after Christ's ascension. But the aforesaid things cannot be done when the priests speak to the people in a language not known, and so they, or their clerk in their name, say Amen, but they cannot tell whereunto. Whereas saint Paul saith, How can the people say Amen to thy well saying, when they understand not what thou sayest? And thus was saint Paul understood of all interpreters, both the Greeks and Latins, old and new, school authors and other that I have read, until above thirty years past. At which time one Eckius with other of his sort began to devise a new exposition, understanding St. Paul of preaching only.—But when a good number of the best learned men reputed within this realm, some favouring the old, some the new learning, as they term it, (where indeed that which they call the old, is the new, and that which they call the new, is indeed the old) but when a great number of such learned men of both sorts, were gathered together at Windsor, for the reformation of the service of the church; it was agreed by both, without controversy, not one saying contrary, that the service of the church ought to be in the mother tongue, and that saint Paul in the fourteenth chapter to the Corinthians was so to be understood. And so is saint Paul to be understood in the civil law, more than a thousand years past, where Justinianus, a most godly emperor in a synod writeth on this manner: 'Jubemus ut omnes Episcopi pariter & presbyteri non tacito modo, sed clara voce, quæ à fideli populo exaudiatur, sacram oblationem & preces in sacro Baptismate adhibitas celebrent, quo majori exinde devotione in depromendis Domini Dei laudibus audientium animi afficiantur. Ita enim & Divus Paulus docet in Epistola ad Corinth. Si solummodo benedicat spiritus, quomodo is qui privati locum tenet; dicet ad gratiarum actionem tuam, Amen? quandoquidem quid dicas non videt. Tu quidem pulchre gratias agis, alter autem non ædificatur.' That is to say, We command that all bishops and priests celebrate the holy oblation and prayers used in holy baptism, not after a still close manner, but with a clear loud voice, that they may be plainly heard of the faithful people, so as the hearers minds may be lifted up thereby with the greater devotion, in uttering the praises of the Lord God. For so Paul teacheth also in the Epistle to the Corinthians, 'If the spirit do only bless, or say well, how shall he that occupieth the place of a private person, say, Amen, to thy thanksgiving? for he perceiveth not what thou sayest. Thou doest give thanks well, but the other is not edified.' And not only the civil law, and all other writers a thousand and five hundred years continually together have expounded saint Paul not of preaching, only, but of other service said in the church: but also reason giveth the same, that if men be commanded to hear any thing, it must be spoken in a language which the hearers understand, or else, as saint Paul saith, what availeth it to hear? So that the pope giving a contrary commandment, that the people coming to the church shall hear they wot not what, and shall answer they know not whereto, taketh upon him to command, not only against reason, but also directly against God.—And again I said, whereas our Saviour Christ ordained the sacrament of his most precious body and blood to be received of all Christian people under the forms of bread and wine, and said of the cup, 'Drink ye all of this:' the pope giveth a clean contrary commandment, that no lay man shall drink of the cup of their salvation; as though the cup of salvation by the blood of Christ pertained not to lay men. And whereas Theophilus Alexandrinus, whose works saint Hierome did translate about eleven hundred years past, saith, 'That if Christ had been crucified for the devils, his cup should not be denied them;' yet the pope denieth the cup of Christ to Christian people, for whom Christ was crucified. So that if I should obey the pope in these things, I must needs disobey my Saviour Christ.—But I was answered hereunto, as commonly the papists do answer, that under the form of bread is whole Christ's flesh and blood: so that whosoever receiveth the form of bread, receiveth as well Christ's blood as his flesh. Let it be so, yet in the form of bread only, Christ's blood is not drunk, but eaten; nor is it received in the cup in the form of wine, as Christ commanded, but eaten with the flesh under the form of bread. And moreover, the bread is not the sacrament of his blood, but of his flesh only; nor is the cup the sacrament of his flesh, but of his blood only. And so the pope keepeth from all lay persons, the sacrament of their redemption by Christ's blood, which Christ commandeth to be given unto them.—And furthermore, Christ ordained the sacrament in two kinds, the one separated from the other, to be a representation of his death, where his blood was separated from his flesh, which is not represented in one kind alone: So that the lay people receive not the whole sacrament whereby Christ's death is represented as he commanded.—Moreover, as the pope taketh upon him to give the temporal sword, by royal and imperial power, to kings and princes: so doth he likewise take upon him to depose them from their imperial states, if they be disobedient to him, and commandeth the subjects to disobey their princes, assoyling the subjects as well of their obedience, as of their lawful oaths made unto their true kings and princes, directly contrary to God's commandment, who commandeth all subjects to obey their kings, or their rulers under them.—One John, patriarch of Constantinople, in the time of St. Gregory claimed superiority above all other bishops. To whom St. Gregory writeth, that therein he did injury to his three brethren, which were

equal with him, that is to say, the bishop of Rome, the bishop of Alexandria, and of Antiochia: which three were patriarchal sees, as well as Constantinople, and were brethren one to another. But, saith St. Gregory, if any one shall exalt himself above all the rest, to be the universal bishop, the same passeth in pride. But now the bishop of Rome exalteth himself not only above all kings and emperors, and above all the whole world, but takes upon him to give and take away, to set up and pull down, as he shall think good. And as the devil having no such authority, yet took upon him to give unto Christ all the kingdoms of the world, if he would fall down and worship him: in like manner the pope taketh upon him to give empires and kingdoms being none of his, to such as will fall down and worship him, and kiss his feet.—And moreover, his layers and glosers so flatter him, that they fain he may command emperors and kings to hold his stirrup when he lighteth upon his horse, and to be his footmen: and that, if any emperor and king give him any thing, they give him nothing but that is his own, and that he may dispense against God's word, against both the old and new Testament, against St. Paul's epistles, and against the gospel. And furthermore whatsoever he doth, although he draw innumerable people by heaps with himself into hell, yet may no mortal man reprove him, because he being judge of all men, may be judged of no man. And thus he sitteth in the temple of God, as if he were a god, and nameth himself God's vicar, and yet he dispenseth against God. If this be not to play Antichrist's part, I cannot tell what is Antichrist, which is no more to say, but Christ's enemy and adversary; who shall sit in the temple of God, advancing himself above all other, yet by hypocrisy and feigned religion, shall subvert the true religion of Christ, and under pretence and colour of Christian religion shall work against Christ, and therefore hath the name of Antichrist. Now if any man lift himself higher than the pope hath done, who lifteth himself above all the world; or can be more adversary to Christ, than to dispense against God's laws, and where Christ hath given any commandment, to command directly the contrary, that man must needs be taken for Antichrist. But until the time that such a person may be found, men may easily conjecture where to find Antichrist.—Wherefore, seeing the pope thus to overthrow both God's laws and man's laws, taketh upon him to make emperors and kings to be vassals and subjects unto him, especially the crown of this realm, with the laws and customs of the same; I see no mean how I may consent to admit his usurped power within this realm, contrary to mine oath, mine obedience to God's law, mine allegiance and duty to your majesty, and my love and affection to this realm.—This that I have spoken against the power and authority of the pope, I have not spoken, I take God to record and judge, for any malice I owe to the pope's person, whom I know not, but I shall pray to God to give him grace, that he may seek above all things to promote God's honour and glory, and not to follow the trade of his predecessors in these latter days.—Nor have I spoken it for fear of punishment, and to avoid the same, thinking it rather an occasion to aggravate than to diminish my trouble; but I have spoken it for my most bounden duty to the crown, liberties, laws, and customs of this realm of England, but most specially to discharge my conscience in uttering the truth to God's glory, casting away all fear by the comfort which I have in Christ, who saith; 'Fear not them that kill the body, and cannot kill the soul, but fear him that can cast both body and soul into hell fire.' He that for fear to lose this life will forsake the truth, shall lose the everlasting life: And he that for the truth's sake will spend his life, shall find everlasting life. And Christ promiseth to stand fast with them before his Father, which will stand fast with him here. Which comfort is so great, that whosoever hath his eyes fixed upon Christ, cannot greatly pass on this life, knowing that he may be sure to have Christ stand by him in the presence of his Father in heaven.—And as touching the sacrament, I said; Forasmuch as the whole matter standeth in the understanding of these words of Christ: 'This is my body; this is my blood.' I said that Christ in these words made demonstration of the bread and wine, and spake figuratively, calling bread his body, and wine his blood, because he ordained them to be sacraments of his body and blood. And where the papists say in those two points contrary unto me, that Christ called not bread his body, but a substance uncertain, nor spake figuratively: herein I said I would be judged by the old Church, and which doctrine could be proved the elder, that I would stand unto. And forasmuch as I have alleged in my book many old authors, both Greeks and Latins, which above a thousand years after Christ continually taught as I do; if they could bring forth but one old author, that saith in these two points as they say, I offered six or seven years ago, and do offer yet still, that I will give place unto them.—But when I bring forth any author that saith in most plain terms as I do, yet saith the other part, that the authors meant not so; as who should say, that the authors spake one thing, and meant clean contrary. And upon the other part, when they cannot find any one author, that saith in words as they say; yet say they, that the authors meant as they say. Now, whether I or they speak more to the purpose herein, I refer me to the judgment of all indifferent hearers; yea the old church of Rome, above a thousand years together, neither believed nor used the Sacrament, as the church of Rome hath done of late years.—For in the beginning, the church of Rome taught a pure and a sound doctrine of the Sacrament. But after that the church of Rome fell into a new doctrine of transubstantiation; with the doctrine they changed the use of the Sacrament contrary to

that Christ commanded, and the old church of Rome used above a thousand years. And yet to deface the old, they say that the new is the old; wherein for my part I am content to stand to the trial. But their doctrine is so fond and uncomfortable, that I marvel that any man would allow it, if he knew what it is. But howsoever they bear the people in hand, that which they write in their books, hath neither truth nor comfort.—For by their doctrine, of one body of Christ is made two bodies; one natural, having distance of members, with form and proportion of man's perfect body, and this body is in heaven; but the body of Christ in the Sacrament, by their own doctrine, must needs be a monstrous body, having neither distance of members, nor form, fashion or proportion of a man's natural body. And such a body is in the Sacrament, teach they, and goeth into the mouth with the form of bread, and entereth no further than the form of bread goeth, nor tarrieth no longer than the form of bread is by natural heat in digesting. So that when the form of bread is digested, that body of Christ is gone. And forasmuch as evil men be as long in digesting as good men, the body of Christ, by their doctrine, entereth as far, and tarrieth as long in wicked men as in godly men. And what comfort can be herein to any Christian man, to receive Christ's unshapen body, and it to enter no further than the stomach, and to depart by and by as soon as the bread is consumed?—It seemeth to me a more sound and comfortable doctrine, that Christ hath but one body, and that hath form and fashion of a man's true body; which body spiritually entereth into the whole man, body and soul: and though the Sacrament be consumed, yet whole Christ remaineth, and feedeth the receiver unto eternal life, if he continue in godliness, and never departeth until the receiver forsake him. And as for the wicked, they have not Christ within them at all, who cannot be where Belial is. And this is my faith, and, as me seemeth, a sound doctrine, according to God's word, and sufficient for a Christian to believe in that matter. And if it can be shewed unto me, that the pope's authority is not prejudicial to the things before mentioned, or that my doctrine in the Sacrament is erroneous, which I think cannot be shewed, then I never was nor will be so perverse to stand wilfully in mine own opinion, but I shall with all humility submit myself unto the pope, not only to kiss his feet, but another part also.—Another cause why I refused to take the bishop of Gloucester for my judge, was the respect of his own person, being more than once perjured. First, for that he being divers times sworn never to consent that the bishop of Rome should have any jurisdiction within this realm, but to take the king and his successors for supreme heads of this realm, as by God's laws they be: contrary to that lawful oath the said bishop sat then in judgment by authority from Rome, wherein he was perjured, and not worthy to sit as a judge.—The second perjury was, that he took his bishopric both of the queen's majesty and of the pope, making to each of them a solemn oath; which oaths be so contrary, that the one must needs be perjured. And furthermore in swearing to the pope to maintain his laws, decrees, constitutions, ordinances, reservations, and provisions, he declareth himself an enemy to the imperial crown, and to the laws and state of this realm, whereby he declareth himself not worthy to sit as a judge within this realm. And for these considerations I refused to take him for my judge."

This was written in another Letter to the Queen.

"I LEARNED by doctor Martin, that at the day of your majesty's coronation, you took an oath of obedience to the pope of Rome, and the same time you took another oath to this realm, to maintain the laws, liberties, and customs of the same. And if your majesty did make an oath to the pope, I think it was according to the other oaths which he useth to minister to princes; which is, to be obedient to him, to defend his person, to maintain his authority, honour, laws, lands and privileges. And if it be so, which I know not but by report, then I beseech your majesty to look upon your oath made to the crown and realm, and to expend and weigh the two oaths together, to see how they do agree, and then do as your grace's conscience shall give you: For I am surely persuaded, that willingly your majesty will not offend, nor do against your conscience for any thing.—But I fear me that there be contradictions in your oaths, and that those which should have informed your grace thoroughly, did not their duties therein. And if your majesty ponder the two oaths diligently, I think you shall perceive you were deceived; and then your highness may use the matter as God shall put in your heart. Furthermore, I am kept here from company of learned men, from books, from counsel, from pen and ink, saving at this time to write unto your majesty, which all were necessary for a man being in my case. Wherefore I beseech your majesty, that I may have such of these as may stand with your majesty's pleasure. And as for my appearance at Rome, if your majesty will give me leave, I will appear there. And I trust that God shall put in my mouth to defend his truth there, as well as here. But I refer it wholly to your majesty's pleasure."

Another Letter of the Archbishop to Dr. Martin and Dr. Story.

"I HAVE me commended unto you. And as I promised, I have sent my letters unto the queen's majesty unsigned, praying you to sign them, and deliver them with all speed. I might have sent them by the carrier sooner, but not surer. But hearing master bailiff say, that he would go to the court on Friday, I thought him a meet messenger to send my letters by. For better is later and surer, than sooner, and never to be delivered. Yet one thing I have written

to the queen's majesty inclosed and sealed; which I require you may be so delivered without delay, and not be opened until it be delivered unto her grace's own hands. I have written all that I remember I said, except that which I spake against the bishop of Gloucester's own person, which I thought not meet to write. And in some places I have written more than I said, which I would have answered to the bishop if you would have suffered me.

You promised I should see mine answers to the sixteen Articles, that I might correct, amend, and change them where I thought good, which your promise you kept not. And mine answer was not made upon my oath, nor repeated, nor made *in Judicio*, but *extra Judicium*, as I protested; nor to the bishop of Gloucester as judge, but to you the king's and queen's proctors. I trust you deal sincerely with me without fraud or craft, and use me as you would wish to be in like case yourselves. Remember, that *Qua mensura mensi fueritis, eadem remetietur vobis*, i. What measure you mete, the same shall be measured to you again. Thus fare you well, and God send you his spirit to induce you into truth."

Ye heard before how the archbishop Dr. Cranmer in the month of February was cited up to Rome, and in the month of March next following was degraded by the bishop of Ely and bishop Bonner. In time of which his degradation he put up his Appellation. In this his Appellation, because he needed the help of some good and godly lawyer, he writeth to a certain friend of his about the same: the copy of which letter in Latin is before expressed in the old book of Acts, there to be read, page 1492. The English of the same I thought good here to insert, as under ensueth:

A LETTER *of Dr. Cranmer, Archbishop, to a Lawyer for the drawing out of his* APPEAL.

"THE law of nature requireth of all men, that so far forth as it may be done without offence to God, every one should seek to defend and preserve his own life. Which thing, when I about three days ago bethought myself of, and therewithal remembered how that Martin Luther appealed in his time from pope Leo the 10th, to a general council, lest I should seem rashly and unadvisedly to cast away myself, I determined to appeal in like sort to some lawful and free general council. But seeing the order and form of an appeal pertaineth to the lawyers, whereof I myself am ignorant, and seeing that Luther's appeal cometh not to my hand, I purposed to break my mind in this matter to some faithful friend and skilful in the law, whose help I might use in this behalf, and you only among other came to my remembrance as a man most meet in this university for my purpose. But this is a matter that requireth great silence, so that no man know of it before it be done. It is so that I am summoned to make mine answer at Rome, the 16th day of this month; before the which day I think it good, after sentence pronounced, to make mine Appeal. But whether I should first appeal from the judge delegate to the pope, and so afterward to the general council, or else leaving the pope, I should appeal immediately to the council, herein I stand in need of your counsel.—Many causes there be for the which I think good to appeal. First, because I am by an oath bound never to consent to the receiving of the bishop of Rome's authority into this realm. Besides this, whereas I utterly refused to make answer to the articles objected unto me by the bishop of Gloucester, appointed by the pope to be my judge, yet I was content to answer Martin and Story, with this protestation, that mine answer should not be taken as made before a judge, nor yet in place of judgment, but as pertaining nothing to judgment at all; and moreover, after I had made mine answer, I required to have a copy of the same, that I might either by adding thereunto, or by altering or taking from it, correct and amend it as I thought good. The which though both the bishop of Gloucester, and also the king and queen's proctors promised me, yet have they altogether broken promise with me, and have not permitted me to correct my said answers, according to my request, and yet notwithstanding have, as I understand, registered the same as acts formally done in place of judgment.—Finally, forasmuch as all this my trouble cometh upon my departing from the bishop of Rome, and from the popish religion, so that now the quarrel is betwixt the pope himself and me, and no man can be a lawful and indifferent judge in his own cause, it seemeth, methinks, good reason, that I should be suffered to appear to some general council in this matter; specially seeing the law of nature, as they say, denieth no man the remedy of appeal in such cases.—Now, since it is very requisite that this matter should be kept as close as may be, if perhaps for lack of perfect skill herein you shall have need of further advice; then I beseech you even for the fidelity and love you bear to me in Christ, that you will open to no creature alive whose the case is. And forasmuch as the time is now at hand, and the matter requireth great expedition, let me obtain thus much of you, I beseech you, that laying aside all other your studies and business for the time, you will apply this my matter only, till you have brought it to pass. The chiefest cause in very deed, to tell you the truth, of this mine appeal is, that I might gain time, if it shall so please God, to live until I have finished mine answer against Marcus Antonius Constantius, which I have now in hand. But if the adversaries of the truth will not admit mine appeal, as I fear they will not, God's will be done; I pass not upon it, so that God may therein be glorified, be it by my life, or by my death. For it is much better for me to die in Christ's quarrel and to reign with him, than here to be shut up, and kept in the prison of this body, unless it were to continue yet still awhile in this warfare, for the commodity and profit of my brethren, and to the further ad-

vancing of God's glory. To whom be all glory for evermore, Amen.—There is also yet another cause why I think good to appeal, that whereas I am cited to go to Rome to answer there for myself, I am notwithstanding kept here fast in prison, that I cannot there appear at the time appointed. And moreover, forasmuch as the state I stand in is a matter of life and death, so that I have great need of learned council for my defence in this behalf; yet when I made my earnest request for the same, all manner of counsel and help of proctors, advocates and lawyers was utterly denied me. Your loving friend, THO. CRANMER."

Another Letter of Dr. Cranmer, Archbishop, to Mrs. Wilkinson, exhorting her to fly in the time of Persecution.

"THE true comforter in all distress is only God, through his son Jesus Christ; and whosoever hath him, hath company enough although he were in a wilderness all alone: and he that hath twenty thousand in his company, if God be absent, is in a miserable wilderness and desolation. In him is all comfort, and without him is none. Wherefore I beseech you seek your dwelling there where as you may truly and rightly serve God, and dwell in him, and have him ever dwelling in you. What can be so heavy a burden as an unquiet conscience, to be in such a place as a man cannot be suffered to serve God in Christ's religion? If you be loath to depart from your kin and friends, remember that Christ calleth them his mother, sisters and brothers, that do his Father's will. Where we find therefore God truly honoured according to his will, there we can lack neither friend nor kin.—If you be loath to depart for the slandering of God's word, remember that Christ, when his hour was not yet come, departed out of his country unto Samaria, to avoid the malice of the Scribes and Pharisees; and commanded his apostles that if they were pursued in one place, they should fly to another. And was not Paul let down by a basket out at a window, to avoid the persecution of Aretas? And what wisdom and policy he used from time to time to escape the malice of his enemies, the Acts of the apostles do declare. And after the same sort did the other apostles; albeit, when it came to such a point, that they could no longer escape danger of the persecutors of God's true religion, then they shewed themselves, that they flying before came not of fear, but of godly wisdom to do more good; and that they would not rashly without urgent necessity offer themselves to death, which had been but a temptation of God. Yea, when they were apprehended, and could no longer avoid, then they stood boldly to the profession of Christ; then they shewed how little they passed of death: how much they feared God more than men, how much they loved and preferred the eternal life to come above this short and miserable life. Wherefore I exhort you as well by Christ's commandment, as by the example of him and his apostles, to withdraw yourself from the malice of yours and God's enemies, into some place were God is most purely served, which is no slandering of the truth, but a preserving of yourself to God, and the truth, and to the society and comfort of Christ's little flock. And that you will do, do it with speed, lest by your own folly you fall into the persecutors hands. And the Lord send his holy spirit to lead and guide you whereso-ever you go, and all that be godly will say, Amen."

Unto these former Letters of Dr. Cranmer archbishop, written by him unto others, it seemeth to me not much out of place to annex withal a certain Letter also of Dr. Taylor, written to him and his fellow-prisoners: the tenor of which letter here followeth:

"To my dear fathers, and brethren, Dr. Cranmer, Dr. Ridley, and Dr. Latimer, prisoners in Oxford, for the faithful testimony of God's holy word. Right reverend fathers in the Lord, I wish you to enjoy continually God's grace and peace through Jesus Christ; and God be praised again for this your most excellent promotion which ye are called unto at this present, that is, that ye are counted worthy to be allowed amongst the number of Christ's records and witnesses. England hath had but a few learned bishops, that would stick to Christ *ad ignem inclusive.* Once again I thank God heartily in Christ for your most happy onset, most valiant proceeding, most constant suffering of all such infamies, hissings, clappings, taunts, open rebukes, loss of living and liberty, for the defence of God's cause, truth, and glory. I cannot utter with pen how I rejoice in my heart for you three such captains in the foreward under Christ's cross, banner, or standard in such a cause and skirmish, when not only one or two of our dear Redeemer's strong holds are besieged, but all his chief castles ordained for our safeguard, are traitorously impugned. This your enterprise in the sight of all that be in heaven, and of all God's people in earth, is most pleasant to behold. This is another manner of nobility, than to be in the fore front in worldly warfares. For God's sake pray for us, for we fail not daily to pray for you. We are stronger and stronger in the Lord, his name be praised, and we doubt not but ye be so in Christ's own sweet school. Heaven is all and wholly of our side; therefore *Gaudete in Domino semper, & iterum gaudete & exultate,* i. Rejoice always in the Lord: and again, rejoice and be glad. Your assured in Christ, ROWLAND TAYLOR."

De Tho. Cranmeri Archiepiscopi qui carcere detimebatur palinodia.

Te Cranmere, gravis sontem prope fecerat error;
Sed revocas lubricos ad meliora pedes.
Te docuit lapsus magis ut vestigia firmes,
Atque magis Christo consocière tuo:
Utque tuæ melius studeas hærescere causæ;
Sic mala non raro causa fuere boni.
Et bene successit; nam ficta & adultera turba
Illudens aliis, luditur arte pari.

Nempe pia sic est frustratus fraude papismus;
Et cessit summo gloria tota Deo.

In mortem D. Cranmeri Cant. Archiepiscopi.

Infortunatè est fœlix, qui numine læso
Cujusvis gaudet commoditate boni.
Infœlix ille est vero fœliciter, orbi
Invisus quisquis tristia fate subit.
Hoc Cranmere probas, vitæ præsentis amore
Dum quæris sanctam dissimulare fidem:
Et dum consiliis tandem melioribus usus,
Præponis vitæ funera sæva tuæ.

A Commission *sent from the Pope, with the* Sentence *definitive to proceed against the reverend Archbishop of Canterbury, Thomas Cranmer.*

"Paulus Episcopus servus servorum Dei charissimo in Christo filio Philippo Regi, & charissimæ in Christo filiæ Mariæ Reginæ Angliæ, Franciæ, illustribus ac venerabilibus fratribus Londinensi & Eliensi Episcopis salutem, & apostolicam benedictionem. Dudum per literas vestras charissime fili Philippe Rex, & Christiana filia Maria Regina nobis significatur, quod iniquitatis filius Thomas Cranmerus, olim Archiepiscopus Cantuariens. in hæreses aliaq. tam grandia & enormia crimina erat prolapsus, quod non solum regimine ecclesiæ Cantuariensis se reddiderat indignum, verum etiam majori pœnæ se fecerat obnoxium. Nos de præmissis certam notitiam non habentes, & tanta crimina si vera essent, impunita, ecclesiamq. ipsam sine pastore idoneo derelinquere nolentes, dilecto filio nostro Jacobo, tituli Sanctæ Mariæ in via, tunc sancti Simeonis, presbytero cardinali, de puteo nuncupato, vel de præmissis etiam summarie, simpliciter, & de plano sine strepitu & figura judicii, ac sine ulla terminorum substantialium vel telæ judiciariæ observatione, citato dicto Thoma se informaret, & quicquid invenisset nobis referret, per specialem commissionem manu nostra signatam, dedimus in mandatis, sibi attribuentes potestatem in curia, & extra, citandi, & inhibendi, ac literas compulsoriales, generales & speciales ac remissorales, in forma consueta ad partes decernendi, & personas quascunque, si opus esse arbitrarer, ad exhibendum jura, sive ad perhibendum testimonium, etiam per censuras ecclesiasticas cogendi, & compellendi, seu, si pro celeriori expeditione sibi videretur, ad recipiendum informationem hujusmodi, aliquem probum virum in dignitate ecclesiastica constitutum in partibus istis commorantem cum simili citandi, inhibendi & cogendi facultate deputandi, ac subdelegandi: ac sicut exhibita nobis nuper pro parte vestra, fili rex & filia regina petitio continebat, dictus Jacobus cardinalis, commissionis hujusmodi vigore, citatione ad partes contra eundem Thomam ad vestram, fili rex & filia regina, instantiam decreta, venerabilem fratrem nostrum episcopum Gloucestrensem, una cum certis aliis ejus in ea parte collegis, & eorum quemlibet in solidum ad informationem super præmissis recipiendum subdelegavit, eisq. vices suas in præmissis commisit. Et postquam dictus episcopus Gloucestrensis in causa hujusmodi ad certos actus processerat, & ipsum Thomam super præmissis examinaverat, citatione prædicta, una cum e jus legitima executione in partibus facta, coram eodem Jacobo cardinali judicialiter producta, & processu per audientiam literarum nostrarum contradictarum contra eundem Thomam citatum & non comparentem decreto, cum processu coram dicto episc. Gloucestrensi contra ipsum Thomam in partibus habito coram præfato Jacobo cardinali productus fuisset, & idem Thomas, ad id citatus, contra eum nihil diceret, imo comparere non curaret, præfato Thoma ad videndum per ipsum Jacobum cardinalem referri causam & referri juramentum in supplementum plenæ probationis quantum opus esset, & ad concludendum & audiendum sententiam definitivam, ad certam tunc expressam diem, & horam per audientiam literarum contradictarum hujusmodi citato, omnibus actis & actitatis causis hujusmodi diligenter visis & consideratis, causam ipsam ac omnia in præmissis actitata nobis in consistorio nostro secreto fideliter retulit: Qua relatione nobis ut præfertur facta, & causa ipsa cum venerabilibus fratribus nostris sanctæ Romanæ ecclesiæ cardinalibus, tunc in eodem consistorio existentibus, plenè discussa, & mature examinata, cum dilecti filii Petrus Rovilius, Clericus Ippotegiensis, ac Antonius Massa de Gallesio in dicta curia causarum, & vestrum fili rex & filia regina procuratores, de quorum procurationis mandato in actis causæ hujusmodi legitimis constare, dignoscitur documentis, & Alexander Paleotarius, fisci nostri procurator pro ejus jure & interesse, & ipsius Thomæ citati & non comparentis contumaciam in causa hujusmodi concludi & definitivè pronunciari petiissent, nos pro tribunali, in throno justitiæ, more Romanorum pontificum prædecessorum nostrorum sedentes, in causa hujusmodi conclusimus, & nostram desuper in scriptis, quam per secretarium nostrum legi & publicari mandavimus, & quam ipse de verbo ad verbum legit & publicavit, definitivam tulimus & promulgavimus sententiam, sub hujusmodi tenore.—Nos Paulus, divina providentia Papa quartus, salvatoris & Domini nostri Jesus Christi, cujus vices (licet immerito) in terris gerimus, nomine invocato, in throno justitiæ pro tribunali sedentes, & solum Deum, qui justus est Dominus, & in justitia judicat orbem terræ, pro oculis habentes, per hanc nostram definitivam, quam de venerabilium fratrum nostrorum sanctæ Romanæ ecclesiæ cardinalium consilio ferimus in his scriptis, in causa & causis quæ coram dilecto filio nostro Jacobo tituli sanctæ Mariæ in via, presbytero cardinali, de puteo nuncupato, nobis in consistorio nostro secreto (ut moris est) referenda inter charissimos in Christo filios nostros Philippum regem & Mariam reginam Angliæ illustres denunciatores ex una, & quendam Thomam Cranmerum olim archiepiscopum Cantuariensem reum & denunciatum de & super crimine hæresis & aliis excessibus censurisque & pœnis propter crimen & excessus hujusmodi per dictum Thomam reum denunciatum ac confessum

& convictum incursis, rebusq. aliis in actis causæ & causarum hujusmodi latius deductis ex altera parte in prima instantia vigore specialis commissionis nostræ versæ fuerunt & vertuntur, pronunciamus, sententiamus, decernimus, & declaramus dictum Thomam tunc Cantuariensem archiepiscopum, animæ suæ salutis immemorem, contra regulas & dogmata ecclesiastica sanctorum patrum nec non apostolicas Romanæ ecclesiæ & sacrorum conciliorum traditiones Christianæq. religionis hactenus in ecclesia consuetos ritus, præsertim de corporis & sacri ordinis sacramentis aliter quam sancta mater ecclesia prædicat & observat sentiendo & docendo, & sanctæ sedis apostolicæ & summi pontificis primatum & authoritatem negando, necnon contra processus qui singulis annis per prædecessores nostros in die cœnæ domini more solito celebrati fuerunt, prout & nos dante Domino in futurum celebrare intendimus, in quibus processibus per Romanos Pontifices prædecessores præfatos ad retinendam puritatem religionis christianæ & ipsius unitatem, quæ in conjunctione membrorum ad unum caput Christum videlicet ejusque vicarium principaliter & sanctam fidelium societatem ab offensione servanda consistit, inter alia Wiclefistæ & Lutherani & omnes alii hæretici damnati & anathematizati fuerunt etiam abjuratam olim per Berengarium Andagavensem ecclesiæ diaconum hæresim innovando, & tam illam quam etiam per damnatæ memoriæ Johannem Wiclef, & Martinum Lutherum hæresiarchas, alias proposita & damnata falsa & hæretica dogmata credendo & sequendo & desuper etiam libros scribendo & imprimi faciendo, impressosque publicando, in illisque scripta etiam in publicis disputationibus defendendo, ac etiam coram subdelegato nostro in responsionibus ad positiones sibi factas pertinaciter asseverando, ac in pertinacia & obstinatione hujusmodi permanendo, excommunicationis & anathematis necnon privationis archiepiscop. Cantuar. prædicti, aliorumque beneficiorum & officiorum ecclesiasticorum si quæ obtinet, & annuarium pensionum si quas super beneficiis ecclesiasticis assignatas habet, juriumque actionum & privilegiorum quorumcunque bonorum quoque & seniorum ecclesiasticorum patrimonialium & secularium nec non inhabitatis ad quoscunque dignitatis & beneficia, & alias contra tales personas tam de jure communi quam per literas processuum prædictorum statutas pœnas non solum tanquam credentem hæreticis prædictis & illorum sequacem, sed etiam tanquam hæresiarcham notorium damnabiliter incidisse & incurrisse; propterea que ipsum Thomam excommunicatum anathematizatum, & archiepiscopatu Cantuariensi aliisque prælaturis, dignitatibus, officiis & beneficiis, nec non pensionibus, juribus, privilegiis, bonis & feudis prædictis privatum, & ad illa ac alia quæcunque inhabilem, curiæ seculari tradendum, bonaque ejus per eos ad quos spectat confiscanda fore & esse prout eum tradi & ejus bona confiscari mandamus & concedimus, omnes quoque & quascunque personas Thomæ præfato ratione dicti archiepisc. Cantuariens. & aliarum prælaturarum si quas obtinuit & obtinet olim subjectas, à quibuscunque fidelitatis & obedientiæ juramentis ei præstitis absolvendas & liberandas fore & esse prout absolvimus & liberamus, ac juramenta hujusmodi relaxamus, nec non super omnibus & singulis prædictis eidem Thomæ perpetuum silentium imponimus supplentes omnes & singulos tam juris quam facti defectus, si qui forsan in processu causæ hujusmodi intervenerint ita pronunciavimus. Cum autem à dicta sententia utpote in causa hæresis & per nos de fratrum nostrorum consilio lata appellari non potuerit, & dicti Petrus & Antonius & Alexander procuratores citato per audientiam literarum hujusmodi coram nobis præfato Thoma ad videndum decerni literas executoriales ad aliquem prælatum qui actualem ipsius Thomæ degradationem faciat eumque curiæ seculari tradat in partibus deputari in contumaciam dicti Thomæ ut præfertur citati & non comparentis literas executoriales decerni ac aliquos prælatos qui actualem ipsius Thomæ degradationem faciant & eum curiæ seculari tradant in istis partibus deputari per nos multa cum instantia postulaverint: nos hujusmodi justis postulationibus annuentes literas executoriales prædictas apostolica autoritate decrevimus, ac vos fratres episcopi qui actualem ipsius Thomæ degradationem faciatis, & ea facta eum curiæ seculari præmissa tamen in ipso actu traditionis incessione ad judicem secularem pro hujusmodi tradendis per ecclesiam solita fieri tradatis autoritate, & tenore prædictis deputavimus. Quapropter vos omnes & singulos supradictos quibus præsentes nostræ literæ diriguntur rogamus, & vobis fratres episcopi per apostolica scripta mandamus, & in virtute sanctæ obedientiæ & sub suspensionis à divinis & interdicti ingressus ecclesiæ sententiis districtius injungimus ut ad ulteriorem executionem sententiæ nostræ prædictæ procedatis. Et vos fili rex & filia regina, bona ipsius confiscatis seu per eos ad quos spectat confiscari, & ipsum Thomam postquam curiæ seculari juxta tenorem præsentium traditus fuerit, id quod juris fuerit, fieri mandetis & faciatis. Vos vero fratres episcopi, vel alter vestrum, ita quod alter pro altero se non excuset, sed hæc omnia in so idum sub sententiis prædictis exequamini, nec contra ea excusationem aut exceptionem apponere valeatis autoritate nostra, ceremoniis in similibus servari solitis plenè observatis, actualem ipsius Thomæ degradationem faciatis, eumque postea curiæ seculari modo ut præfertur tradatis, contradictores per censuram ecclesiasticam appellatione postposita compescendo non obstantibus constitutionibus & ordinationibus apostolicis contrariis quibuscunque, aut si aliquibus communiter vel divisim ab eadem sit sede indultum, quod interdici, suspendi vel excommunicari non possint per literas apostolicas, non facientes plenam & expressam ac de verbo ad verbum de indulta hujusmodi mentionem, Datum Romæ apud Sanctum Petrum, anno incarnationis Domini, millesimo, quingentesimo, quinquagesimo, quin-

to. Decimo nono calendas Januarii, pontificatus nostri anno primo. J. Bareng.

The Form *of degrading an Archbishop.*

Inprimis, in publico extra ecclesiam paretur aliquis eminens locus congruens spacii, pro degradatione fienda. Item, supra eundem ordinetur una credentia simplici tobalea cooperta. Item, supra eandem credentiam ponantur ampulla vini & ampulla aquæ. Item, liber Evangeliorum, liber Epistolarum, liber Exorcismorum, liber Lectionum, Antiphonarium. Item, Bacile cum baculo & Mantili. Item, unum candelabrum cum candela extincta. Item, claves, forfices, cultellus seu petia vitri. Item, calix cum patina.

Paramenta pro Degradando.

Superpellicium, Sandalia cum caligis, amictis, alba, cingulum, Manipulus, Tunicella, Stola, Dalmatica, Chirothecæ, alia stola Planeta, Mitra, Annulus pontificialis, Pallium, Baculus pastoralis, & aliqua vestis habitus secularis.

Pro Degradatore & Officialibus.

Item, paretur faldistorium pro pontifice degradatore. Item, Sedilia pro Officialibus. Item, Adsint Ministri pontificis. Item, Judex secularis, cui degradatus committatur. Item, Notarius qui processum degradationis legat, si opus erit, vel Episcopo degradatori placuerit. Item, Barbitonsor. Item, Hora convenienti degradandus, habitu suo quotidiano indutus super dictum locum adducatur, & à clericis induantur omnibus paramentis sui ordinis. Item, Eo sic induto, pontifex degradator indutus amictu, alba, cingulo, stola, & pluviali rubeis, ac mitra simplici, baculum pastoralem in sinistra manu tenens ascendet ad locum prædictum, & ibidem sedebit in faldistorio, in convenienti loco sibi parato versus ad populum, astante sibi judice seculari.—Tunc degradandus omnibus sui ordinis vestibus sacris indutus, & singulis ornamentis ornatus, habens in manibus ornamentum ad ordinem suum spectans, ac si deberet in suo officio ministrare, adducitur ante Pontificem, coram quo genu flectit. Tunc Pontifex degradator (sedens ut supra) populo in vulgari notificat degradationis hujusmodi causam.

Deinde contra degradandum sententiam fert in hæc verba, si hujusmodi sententia lata non sit.

In nomine Patris, & Filii, & Spiritus Sancti, Amen. Quia nos N. Dei & Apostolicæ sedis gratia Episcopus, &c.

Degradatio ab ordine Archiepiscopali.

Primo, pallium degradator aufert à degradando, dicendo:—Prærogativa pontificalis dignitatis quæ in pallio designatur te eximimus, quia male usus es ea.

Secundo, mitram aufert à degradando, dicendo:—Mitra pontificalis dignitatis, videlicet ornatu, quia eam male præsidendo fœdasti, tuum caput denudamus.

Tertio, librum Evangeliorum à degradandi manibus aufert, dicendo:—Redde Evangelium, quia prædicandi officio, quo spreto Dei gratia te indignum fecisti, te justè privamus.

Quarto, annulum aufert de digito degradandi, dicendo:—Annulum, fidei scilicet signaculum, tibi digne subtrahimus, quia ipsam sponsam Dei Ecclesiam temere violasti.

Quinto, baculo pastorali per unum de ministris in manus degradandi tradito, illum aufert degradator, dicendo:—Auferimus à te baculum pastoralem, ut perinde correctionis officium quod turbasti non valeas exercere.

Sexto, chirothecis per ministros extractis degradator abradit degradando pollices & manus leniter cum cultello aut vitro, dicendo:—Sic spiritualis benedictionis, delibutionis mysticæ gratia, quantum in nobis est te privamus, ut sanctificandi & benedicendi perdas officium & effectum.

Septimo, caput degradandi cum eodem aut vitro abradit degradator, leniter dicendo:—Consecrationem & benedictionem ac unctionem tibi traditam radendo delemus, & te ab ordine pontificali, quo inhabilis es redditus, abdicamus.

Tum degradando per ministros extrahuntur sandalia.

Degradatio ab ordine Presbyteratus.

Calice cum vino & aqua & patina & hostia, per ministros in manus degradandi traditis, Consecrator aufert potestatem celebrandi, dicens:—Amovemus à te, quin potius amota esse ostendimus, potestatem offerendi Deo sacrificium, Missamque celebrandi, tam pro vivis quam pro defunctis.

Pollices & manus abradantur sub hac forma:—Potestatem sacrificandi & benedicendi quam in unctione manuum & pollicum recepisti, tibi tollimus hac rasura.

Casulam sivè planetam per posteriorem partem captivi accipit degradator, & degradandum exuit, dicens:—Veste sacerdotii charitatem signante te meritò expoliamus, ita ipsam & omnem innocentiam exuisti.

Quarto, stolam aufert, dicens—Signum Domini per hanc stolam signatum turpiter abjecisti: ideoque ipsam à te amovemus, quem inhabilem reddimus ad omne sacerdotale officium exercendum.

Degradatio ab ordine Jaconatus.

1. Libro Evangeliorum degradando in manus per ministros tradito, degradator aufert librum, dicens:—Amovemus te potestatem legendi Evangelium in Eccles De, quia id non competit nisi dignis.

2. Dalmaticum aufert dicns:—Levitico ordine te privamus, quia tuum eo ministerium non implevisti.

3. Stolam auferens de humeris degradandi degradator projicit eam pone tergum, dicens:—Stolam candidam, quam receperas immaculatam in conspectu Domini perferendam, quia non sic cognito mysterio templum conversationis tuæ fidelibus præbsti, ut plebs dicata Christi nomini possit exde imitationem acquirere, juste à te amoveis, omne Diaconatus officium tibi prohibentes

Degradatio ab ordi Subdiaconatus.

1. Epistolarum libro degradando in manum tradito, degradator eum aufert, dicens:—Auferimus tibi potestate legendi epistolam in Ecclesia Dei, quia hoc ministerio indignus es redditus.

2. Tunicella aufertur, dicendo:—Tunica subdiaconali te exuimus, cujus cor & corpus timor domini castus & sanctus in æternum permanens non constrinxit.

3. Manipulum aufert, dicendo:—Depone manipulum, quia per fructus bonorum operum quos designat, non expugnasti spiritualis insidias inimici.

4. Amictus aufertur sub hac forma:—Quia vocem tuam non castigasti, ideo amictum à te auferimus.

5. Urceolis cum vino & aqua & bacili cum manu-tergio degradando traditis, ea aufert archidiacon.—Et nihil dicit.

6. Calicem vacuum cum patina traditum in manus degradandi, aufert degradator, dicendo; Cingulum album & amictum exuunt ministri:—Potestatem introcundi sacrarium, tangendi pallas, vasa & alia indumenta sacra, omneque subdiaconatus ministerium exercendi à te amovemus.

Degradatio ab ordine Accolytatus.

Urceolum vacuum in manus degradando traditum, aufert degradator, dicens:—Immunde, vinum & aquam ad Eucharistiam de cætero non ministres.

Candelabrum cum cereo extincto degradator accipit de manibus degradandi, dicens:—Dimitte perferendi visibile lumen officium, qui præbere spirituale moribus neglexisti, ac universum Accolytatus officium hic depone.

Degadatio ab ordine Exorcistatus.

Librum exorcismorum aufert Pontifex degradator, dicens:—Privamus te potestate imponendi manus super energumenos, & dæmones de obsessis corporibus expellendi, omni tibi exorcistatus officio interdicto.

Degradatio ab ordine Lectoratus.

Librum Lectionum aufert Pontifex de gradator, dicens:—In Ecclesia Dei non legas ulterius, neq; cane, neq; panes aut fructus novos ullatenus benedicas, quia tuum officium non implevisti fideliter & devote.

Degradatio ab ordine Hostiariatus.

Claves Ecclesiæ aufert Pontifex degradator, dicens:—Quia illa vibus errasti, claves dimitte, & quia hostia cœlis tui male dæmonibus obserasti, amovemus te officium hostiarii, ut non percutias cymbalum, non aperias Ecclesiam, non sacrarium, non librum amplius prædicanti.

Degradatio à prima Tonsura.

Superpellicium degradando extrahit Pontifex degradator, dicens:—Autoritate Dei omnipotentis, Patris, & Filii & Spiritus Sancti, ac qua fungimur in hac parte, tibi auferimus habitum clericalem, & nudamus te religionis ornatu, atque deponimus, degradamus, spoliamus & exuimus omni ordine, beneficio, & privilegio clericali, & velut clericæ professione indignum redigimus te in servitutem & ignominiam habitus secularis ac status.

Eum forficibus tondere incipiat Pontifex degradator, & per Barbitonsorem ibidem præsentem totaliter tonderi faciat caput degradandi, dicens:—Te velut infectum filium à sorte Domini ad quam vocatus fueras abjicimus, & coronam tui capitis regie quidem signum sacerdotii de tuo capite amovemus propter tui reginiis pravitatem.

Deinde si velit Pontifex, dicat:—Quod ore cantasti, corde non credidisti, nec opere implevisti, ideo cantandi officium in Ecclesia Dei à te amovemus.

Tum Ministri pontificis exuunt degradatum veste, & habitu clericali, & ipsum induunt habitu seculari.

Si degradatus tradi debeat curiæ seculari.

Pontifex degradator degradatum amplius non tangit, sed in hunc modum pronunciat, dicens:—Denunciamus ut hunc exutum omni ordine ac privilegio clericali, curia secularis in suum forum recipiat.

Rogat judicem secularem ut citra mortis periculum, &c.:—Domine judex, rogamus vos cum omni effectu quo possumus, ut amore Dei, pietatis & misericordiæ intuitu, & nostrorum interventu precaminum miserrimo huic nullum mortis vel mutilationis periculum inferas.

The celebrated Mr. Whiston suspected the authenticity of the RECANTATION ascribed to Cranmer, and published a Tract on the subject; which being somewhat curious and very scarce, we here reprint, together with Strype's Account of the Archbishop's Death.

AN ENQUIRY INTO THE EVIDENCE OF ARCHBISHOP CRANMER'S RECANTATION: &c.

BEFORE I give my Reasons for this suspicion, I shall set down the Copy of this Recantation *verbatim*, from Mr. Fox's Acts and Monuments, p. 666, London, 1641, fol. [Here follows the Recantation, as given in p. 812.]—Thus far in Mr. Fox's Copy: without the addition of any date, or subscription under the archbishop's hand, or any witnesses that it was written by him. The foregoing words indeed are these, 'the Form of which Recantation, made by the friars and doctors, whereto Cranmer subscribed, was this,' whereby it appears that Mr. Fox believed Cranmer did subscribe this entire form. Yet does he add after the form itself, what makes it probable he did not believe he subscribed it himself, but that his name was put to it by some of those prelates and doctors who were then present. 'This Recantation of the archbishop,' says Mr. Fox, 'was not so soon conceived; but the doctors and prelates, without delay, caused the same to be imprinted, and set abroad in all mens hands. Whereunto, for better credit, first was added the name of Thomas Cranmer, with a solemn subscription. Then followed the witnesses of this Recantation. Henry Sydal, and friar John de Villa Gacina. All this while Cranmer was in no certain assurance of his life; although the same was faithfully promised him by the doctors. But after that they had their purpose, the rest they committed to all adventure, as became men of that religion to do. The queen having now gotten a time to revenge her old grief, received his Recantation very gladly; but of her purpose to put him to death she would nothing relent:' (p. 813). So far Mr. Fox.

A strange story this; that so solemn a Recantation of archbishop Cranmer, primate of all England, should be published as his own, without any other witnesses, than two such obscure persons as Henry Sydal, never, that I know of, afterward heard of, and friar John de Villa Garcina, one brought from Spain to pervert the university of Oxford to Popery.—Now, as to this entire copy of a Recantation, it seems to me to consist of two very different parts: the first part, ending with "without which there is no salvation," is of such a nature as Cranmer might himself draw up and sign, as literally true and catholic in his opinion: though it must be confessed it is very capable of a popish sense also. The second part is about six times as large; and is such as Cranmer could not possibly draw up, nor subscribe, with truth, in any sense whatsoever. Which two parts are therefore to be accurately distinguished from each other, and considered in quite different views. The former is in stile and langusge very like that of archbishop Cranmer's; but the other quite different from it. The contents, which declare not only his readiness to renounce all the errors of other people, and to endeavour to follow nothing but what was originally true and sound doctrine, is very agreeable to Cranmer also; who left all the modern notions, and most diligently searched into the New Testament, and the primitive writers, for true and pure christianity. *(a)* In which search indeed he had been all along truly indefatigable. This confession of 'one holy and catholic church' is Cranmer's own declaration, in his Appeal from the pope to a General Council at this very time (p. 805): and his declaring it to be a visible Church he confessed, was then the protestant notion; as we learn by one of the other martyr's confessions, and by Cranmer's stiling the king head of the visible Church, in his Answer to Dr. Martin (p. 781) and both about the very same time also. And as to the additional character of that Church here, that 'without,' or 'out of it there is no Salvation,' I take it to have been the common doctrine of all at that time, both Protestants and Papists, without exception.—And so far, I suppose, Cranmer might go at this time: especially since he had hopes of saving his life by such a subscription. He might also assure Dr. Cole, who was sent to try whether he abode in his declared purpose, that 'by God's grace he would daily be more confirmed in the catholic faith,' (p. 813) of which catholic faith he owned himself to be at his death. He might endeavour to please the queen so far, because she, it seems, insisted that 'she would have Cranmer a catholic, or else no Cranmer at all,' that is, that his declaring himself a catholic, was absolutely necessary to his life and restoration; as the friar informed him. And this I suppose was all that Dr. Cole referred to, when he put Cranmer in mind of some promise of his, as he was going to the stake, and which he allowed, viz. 'that he was to express the true and undoubted Profession of his Faith, that he might take away all suspicion from men; and that all men might understand that he was a catholic indeed.' (p. 818.) All which passages seem to me to belong to this first part of the present Recantation, and to nothing else.

It is indeed not impossible that he might transcribe some copies of this entire Recantation, as it was proposed to him by the Papists; and those Papists might give out, what they so much wished, that he was disposed to give his consent to the whole; and might print it and publish it, in the way of forgery, as Cranmer's own Recantation: which we shall see great evidence anon that they really did. And for his permission of such copies to go abroad under his hand, he might sorely repent him afterward: as the words he spoke at that stake, to be produced hereafter, would incline one to suppose. However, that he never did either draw up, or really sign this whole pretended Recantation before us, as consenting thereto, the following Arguments will render highly probable:

1. The known Character of abp. Cranmer for sincerity and courage, will not permit us easily to believe that ever he made such a Recantation; much less that he continued in it for about a month or five weeks together, as the present accounts do imply. As to his known sincerity, take his own words, as he spake them at his death, and which the general course and conduct of his life bear witness to be true. When his adversaries reproached him with recanting at the stake his former Recantation, and thereby being guilty of falshood and dissimulation, he answered, 'Ah, my masters, do not you take it so. Always since I lived hitherto I have been a hater of falshood, and a lover of simplicity; and never before this time have I dissembled.' (p 820). And as to his courage and boldness in his confession, he was one of the most eminent of all our Reformers. He was ever one of the most open and forward speakers and writers for the protestant religion against Popery of all others: as appears through his whole history. Particularly, when he first perceived himself in imminent danger under queen Mary, and her cruel ministers; and was by some advised to fly beyond sea; which in other cases he did not only approve of, but strongly recommend; bishop Burnet informs us that he said, "He would not dissuade others from that course, now that they saw persecution rising: but considering the station he was in, and the band he had in all the changes that were made, he thought it so indecent a thing for him to fly, that [illegible] treaties should ever persuade him to it." *(b)* Bishop Ridley also, just before himself was [illegible] "Expressed his great joy for what he heard of Cranmer's godly and fatherly constancy; whose integrity and uprightness, gravity and innocence was known to the whole nation. And

(a) Burnet's Hist. Reformat. vol. i. p. 171. vol. iii. p. 250.

(b) Burnet, vol. ii. p. 248.

he blessed God that had given, in his reverend old age, such a man to be the witness of his truth. For miserable and hard-hearted was he, whom the godliness and constant confession of so worthy, so grave, and so innocent a man would not move to acknowledge and confess his truth."(c) See also Cranmer's large and solemn Appeal from the Pope to a General-Council, delivered in open court on Feb. 14, when he was degraded: which was but ten days before the date of the writ for his burning, and fewer days before the time of this pretended Recantation.

2. The tenor and stile of the first clauses of this Recantation, are very different from the tenor and stile of the rest: the former points are such also as might, with strict truth, be signed by any Protestant or Catholic Christian; but the latter such as could be signed, with truth, by none but by a thorough papist: both which differences have been already observed.

3. This pretended Recantation has no date to it, as bishop Burnet truly observes; and the Copy in Fox assures us. Which yet, in such nice cases, does not use to be omitted. A form of recantation proposed was not to be dated: but a real subscription to it ought not certainly to be without such a date.

4. The main parts of this pretended Recantation at least were drawn up, not by Cranmer, but by certain papists: as is not only clear by their contents, but expressly affirmed by Mr. Fox, in these words, already quoted: "The form of which Recantation, made by the friars and doctors, whereto Cranmer subscribed, was this." Nor is it all probable that the same persons drew up the first clauses of this Recantation who drew up the latter: they are every way so unlike to one another.

5. Thomas Cranmer's name in Fox is not at the end, as his own subscription; but in the beginning only; as it would naturally be in a form proposed to him. Accordingly we shall soon find, that what he agreed to was subscribed by him as his Declaration of his real sentiments: but that this was no more than the first branch of the present form. But of these observations already.

6. What first moved me to suspect this whole matter, was the obscurity, and fewness, and temper of the principal or only actors and witnesses therein, Henry Sydal and friar John de Villa Garcina. These two inconsiderable persons, or chiefly the friar (for we never afterward meet with Henry Sydal in this whole process,) were, it seems, able to persuade the archbishop, and that in a very few days time, to such a Recantation, as neither cardinal Pole, nor any of the other bishops, learned doctors or prelates, during his two years and an half's imprisonment, could do: and this with such arguments, set down in the Acts and Monuments, as were fitter to affright an ignorant and timorous woman, than to convince the very learned and courageous abp. Cranmer. Nor is it easily accountable, how not so much as the Dean of Christ Church, with whom he had lately lived; nor any of his canons; nor any of the heads of the university of Oxford where he was, and was so well known, should appear to have the least hand in either this Conversion of Cranmer, or in his Recantation; no not so much as to be witnesses to his signing it. All this seems to me to look very suspiciously.

7. What Cranmer really signed, was, not a large and public Recantation; but certain Bills or Papers containing only a few words, in a little leaf of paper, as Mr. Fox himself describes it. Which well agrees to the first small branch, which I suppose to have been really Cranmer's; but not so well to this intire Recantation, which is about seven times as long: especially not as made a sort of public instrument, and solemnly signed, with Cranmer's name, and attested by two witnesses, as is pretended. Nor do the number of these Bills or Papers written by Cranmer, which were several by Fox's and Cranmer's own testimonies; and no fewer than seventeen by the testimony of Sanders, at all agree with this one long instrument of Recantation, which his enemies printed and published in his name; but very well to this very short bill or paper at the beginning of it. Of which many copies might soon be written and dispersed by him: and of which he might easily write and sign two copies on the morning he was to suffer, as we are informed he did; but not so easily of the larger Recantation, as the friar pretended.

8. This large Recantation, as pretended to be signed by Cranmer, and published a month or five weeks before his death, very ill agrees with what Mr. Fox relates, as happening the very morning of his execution, viz. that "Friar John, the witness to the former Recantation, brought him a Paper, with Articles; which Cranmer should openly profess in his Recantation before the people; earnestly desiring him that he would write the said Instrument, with the Articles, with his own hand; and sign it with his name." (p. 814). What occasion for all this, if they had an attested Copy of a full Recantation already printed and published, with his own hand subscribed thereto? And stranger it is what follows in Fox, that "He did it:" And that when the friar desired that he would write another copy thereof, which should remain with him, that he did that also.

9. This is still more strange, when we remember, that it was now a month or five weeks since his former Recantation was pretended to have been made and signed by him; and that in hopes of life and preferment, which hopes were now almost all gone; and Cranmer had now prepared himself to recant any such Recantation at his death, as Mr. Fox informs us.

10. However, it is plainly incredible, that on the very morning of his execution, Cranmer should write these two copies of his large and full Recantation, and sign them with his own hand, as the sense of his own mind: and

(c) Burnet, vol ii. p. 304.

yet, "At the very same time, secretly put another paper into his bosom, containing his Prayer for the stake, and his Exhortation to the people; when he designed to declare his abhorrence of any thing like such a Recantation:" which yet is Mr. Fox's account in this place. This is too vile, and impious, and desperate, and jesuitical to be supposed of any common Christian: much less of the most open-hearted, and sincere, and upright, and religious abp. Cranmer. Whether the two Papers that Cranmer is said to have transcribed and signed with his hand, the morning of his execution, at the earnest desire of the Spanish friar, contained the intire Recantation still extant, and only signed as a true copy of what was proposed to him, but he had never consented to: or, whether it were no more than the former clauses of it, which he had given out as his real belief, I cannot certainly determine; but suspect they were these small clauses, and no other. Although the friar, who is said to have procured these copies, and perhaps some other of the Papists also, were very willing they should be confounded. As indeed they have been most fatally confounded to this very day.

11. This Spanish friar, the principal actor in this whole tragedy, when Cranmer, at the stake, declared himself, according to his promises, to die in the catholic faith; but in a sense very different from what he expected; raged, and foamed, and was almost out of his wits, always having this in his mouth, *Non feciti?* Did'st thou it not? (p. 821). As if Cranmer did not then own the making such a Recantation, as he had ascribed to him.

12. Although Mr. Fox was made to believe that the queen knew of this full Recantation of Cranmer's, and received it very gladly, and this before Feb. 24th, 1555, when she signed the Writ for his burning; as all that follow him have also supposed; yet does *(d)* bishop Burnet find it hard to believe, that such a Recantation could be made by him when the danger was so remote; and therefore he supposes it not done till after the Writ was finally sent down to Oxford for his burning, directly contrary to Mr. Fox, to Dr. Cole's Sermon at his burning, and to Sander's History. The reason of this difficulty is obvious: but the foundation of the difficulty is only this, that Cranmer did make that Recantation. Which I confess seems to me not a little incredible.

13. The very Writ for burning Cranmer gives no power to burn him; but as 'pertinaciously holding and defending' his heretical opinions. Which seems to be authentic evidence that the court knew nothing of that large and full Recantation, the friar pretended he had signed in his presence, before the date of that writ for his execution.

14. Had this Recantation been known to be genuine at that time, and made before the going out of the writ for burning Cranmer, by what law did the queen sign such a writ? And by what law did the mayor and bailiffs of Oxford execute it? All ecclesiastical proceedings against heretics still allowing of a Recantation and doing penance, as always sufficient for the offender's preservation. The constant method, even in queen Mary's time, was this, That such heretics must either *turn* beforehand, or *burn*; but no farther. Nay, so extensive was this practice then, that though the pretended heretics had been obstinate until they came to the very stake, *(e)* yet was there frequently a pardon ready for them at that stake, if they would but there make a Recantation. So that this signing, and sending, and executing the writ for the burning of Cranmer, is little less than a demonstration that he had never made such a Recantation as friar John pretended he had.

15. Which demonstration is still farther confirmed, by what bishop Burnet *(f)* found in the Council Book itself, relating to this pretended Recantation: where we have this most authentic Account; that, "on the 13th of March, (almost three weeks after the date of the Writ for burning Cranmer, as an obstinate heretic,) and eight days before he was burnt, the Privy-council were concerned when they heard Cranmer's Paper of Recantation was printed. Rydall and Copland, two printers, were required to deliver to Cawood, the queen's printer, the Books of his Recantation, to be burned by him." Now since "the doctors and prelates," as Mr. Fox was informed, "caused this Recantation to be printed:" As also that, "the queen received that Recantation very gladly:" if all this had been really true, how comes the queen's Privy-council to dislike it? Nay, to order the remaining copies of this Recantation itself to be delivered up to the queen's printer to be burnt? Had the Privy-council been satisfied that this Recantation was genuine, this procedure seems not a little absurd and incredible. It is much more likely that the Council ordered it to be burnt as a known forgery; and as capable of raising a groundless compassion and indignation in the people; when they should believe Cranmer was become a thorough Roman Catholic, and yet was to be burnt as an obstinate Protestant Heretic.

16. Dr. Cole, in his Funeral Sermon, though he supposes that Cranmer was become a Catholic, and would own himself to die in the Catholic Faith, as he had declared in the first clauses of this Paper; which there is little reason to doubt but he did really write, and really sign; yet does he not pretend he had made any such full and particular Recantation hitherto. Nay, on the contrary, he then charges him with "having been not a secret favourer only; but also a most earnest defender of heretical opinions, even to the end of his life." Nor

(d) Burnet, vol. ii. p. 300, 334, 399.

(e) See Burnet, vol. ii. p. 302, 303. 307, 308. 312. 314. 318. 328. 331. 333. 337. 347. 364, 365.

(f) Burnet, vol. iii. p. 249.

does the great and uncertain expectation of both Protestants and Papists what religion he would declare himself to be of at his death allow us to suppose he had so long ago, and that very morning also, signed such an intire Recantation.

17. There is still extant a Letter of Cardinal Pole's to Cranmer, of which you have some account in bishop Burnet, which if it were sent to him, as some think, *(g)* 'a very little while before his Execution,' as he informs us, is sufficient evidence that then the Cardinal neither knew nor expected the least Recantation from him.

18. We have not the least evidence, that I know of, that any of the Protestant Confessors or Martyrs in queen Mary's reign did acknowledge that Cranmer ever had made such a Recantation. They still reckon him as one, nay usually as the principal of their glorious Martyrs, upon all occasions. As do the papists also still reckon him among the notorious heretics. Of all which we have many instances later than his death, and still without the least intimation that he had ever made such a Recantation in any of them. Which intire silence in both parties is no small evidence that it was not then believed he had made that real Recantation, which the Spanish Frier pretended.

19. Cranmer himself, as Mr. Fox was informed, when at the stake he sorely repented of some small "bills, or papers, or writing which he had sent abroad, which he owns he had written with his hand, contrary to truth which he thought with his heart, and wrote for fear of death, and to save his life, if it might be, since his Degradation, wherein he had written many things untrue," (p. 820,) yet did he, at the same time, almost directly deny that he had ever made this real Recantation, charged upon him by the Spanish friar. For Mr. Fox assures us, that when at that time his enemies ceased not to object unto him his falshood and dissimulation, because, after all, he died a zealous Protestant, he answered to that accusation, in the words already set down. "Ah! my masters, quoth he, Do not you take it so. Always, since I lived hitherto, I have been a hater of falshood, and a lover of simplicity; and never before this time have I dissembled." Which very ill agrees with what the Friar pretended, that he had continued in the grossest hypocrisy and falshood for four or five weeks together, ever since he made that intire Recantation.

20. If there were not here some knavery or forgery in the case, why was not the queen's resolution *(h)* to have him burnt notified to him a few days, or however several hours, before he was to die? Why was Dr. Cole who had been before appointed to preach his Funeral Sermon on March 21st, obliged to keep the day silent? Why did the same Dr. Cole, the very morning Cranmer was to die, still conceal it from him, when he went to see him? Nay, Why did he, upon Cranmer's owning he had no money, present him then, and not till then, with fifteen crowns, to give to the poor to whom he would, when he was just going to die? Why did the Spanish friar attempt to get two copies of a Recantation under Cranmer's hand the very same morning? And all this without any intimation that he was to die immediately? Why was he left destitute, without mercy, or so much as one friend to support or advise him, or to be a faithful witness what was then said or done by him? And why did some of the Papists, particularly this Dr. Cole, cry out, as soon as they perceived Cranmer had declared himself a Protestant, 'Stop the heretic's mouth, and take him away:' as this History informs us? I think we have great reason to suspect that all this barbarity and haste and hurry for a sudden execution was intended to conceal somewhat which was not fit to be made public: and that it was done on purpose that sincere and honest Cranmer's pretended Recantation, might still be believed to be real: and that the poor man might have no opportunity to clear his innocence any farther in this matter. And indeed, one would almost wonder that Mr. Fox did not himself suspect this fraud and forgery; since he informs us that "the Papists secretly and slightly suborned certain men, which when they could not expugn him by arguments and disputation, should by intreaty, and fair promises, or any other means allure him to Recantation. That the wily Papists flocked about him, with threatening, flattering, intreating, and promising, and all other means, especially Henry Sydal, and Friar John, a Spaniard de Villa Garcina, to the end to drive him to the uttermost of their possibility from his former Sentence to Recantation." (p. 811).

N. B. This Recantation may well be supposed only a pretended one, and a forgery of the papists. For this was not the first time that Cranmer was scandalized in this manner. We find that bishop Bonner *(i)* himself believed he was become very humble at the beginning of queen Mary's reign, and 'ready to submit himself in all things,' without any real foundation. We find also, about the same time, the report was so current that he had himself consented to set up the mass at Canterbury, and that he had undertaken to sing mass before the queen *(k)*, that he was obliged to vindicate himself in a public paper, still extant. Nay the main parts of this Recantation before us may possibly be as old as these early rumours. For Sanders affirms us that *(l)* Cranmer feigned himself a catholic, and signed his retractation seventeen times with his own hand, before his condemnation. Whereas in this form he owns himself to be late archbishop of Canterbury only: which he

(g) Burnet, vol. iii. p. 244.
(h) See Fox, p. 668, 669, 670.

(i) Burnet, vol. ii. p. 248.
(k) Burnet, vol. ii. p. 249.
(l) Ibid, p. 399.

would never have allowed till after Feb. 14th, 1555-6, when he was degraded: as all the other evidence already produced does also assure us. They who have a mind to compare one popish forgery with another, may look in Mr. Fox, and there find such another Recantation, ascribed to the famous lord Cobham, in the days of Henry 5th *(m)*. Only with this difference, that the lord Cobham's Recantation seems never to have been so much as seen by him: which we cannot certainly say of this ascribed to abp. Cranmer; though both, I suppose, equally spurious and jesuitical forgeries.

It is not here quite unworthy of our remark, that Cranmer's peculiar punishment of burning his right hand, before the rest of his body; that right hand which wrote the several Bills or Papers whereby he gave occasion to the report that he had made a real and intire Recantation; seems more accountable on the supposition that it was rather the many Bills or Papers he had incautiously written or transcribed with his right hand; than any one or two full Recantations, to which he had wickedly consented with his mind, which occasioned that unusual experiment or signal of detestation. And if any suppose that the consumption, first of his right hand, and then of the rest of his body by the fire, while yet his heart, as all agree, remained unburnt, was extraprdinary, and providential; the natural consequence of it is, that while his right hand was, after a sort, guilty, in writing; yet was not his heart, the emblem of his mind, properly guilty in consenting to any ungodly Recantation. WILL. WHISTON.

Lyndon, Rutland, Oct. 27, 1732.

POSTSCRIPT.

THIS was written by me before the date already set down. Nor have I altered any thing which I then wrote; but print it now exactly according to the original copy. What I am now to add, is with relation to the accounts of this matter given us by Mr. Strype, in his Memorials of Archbishop Cranmer, p. 383, 389, and in the 3d vol. of his Ecclesiastical Memorials, p. 232, 238, which I had not seen when I wrote the foregoing Paper. Which two Memorials seem to me to afford farther grounds for the same suspicion. For we may thence observe;

1. That of the five other copies of Cranmer's Recantations, given us by Mr. Strype, four of them are very short, and so very like the first branch of the Recantation before us: and might generally be of Cranmer's own drawing up, and might be signed by him as like the other, not much against his own opinion; yet very capable of a popish sense also. But the last is not only very long, but very different from all the rest; and indeed very like the grossest forgery. Yet does Mr. Strype assure us, in his Ecclesiastical Memorials, 'That this was said to be written and subscribed by Cranmer's own hand:' But that it was ever proved to be such, he saith not. Nor do I easily believe Cranmer would ever sign such a gross, and tedious, and wild Recantation as this is.

2. What Recantation Cranmer owned at the stake, and repented of, was not the signing one or two large open Recantations; but, as we have seen already, and as an honest Roman catholic there present gives the Account to be set down presently, "Setting forth writings contrary to the truth. Things written with his hand contrary to the truth. All such Bills which he had written or signed with his own hand contrary to the truth, since his degradation: Wherein he had written many things untrue." Which small bills excellently well agree with the five suspicious small bills, set down by Mr. Fox and Mr. Strype, said by Mr. Fox to 'contain only a few words, in a little leaf of paper,' but very ill with one or two other pretended full and large and express Recantations of the protestant religion. And what makes this somewhat the more probable is this; that he immediately adds, at the stake, a retractation of the worst thing in all those little bills: when he says, that "as for the pope he refused him, as Christ's enemy, and Antichrist, with all his false doctrine? *(n)*" Whose supremacy yet, as owned by king, queen, and parliament at least, if not farther, he had owned and submitted himself to in more than one of those five short bills before mentioned. Which are all I suppose that he ever signed.

3. The very publishers of those four other short Bills or Recantations own, that one of them, which yet was not worded worse than the rest, nor was properly any Recantation of the protestant religion at all, was soon after retracted by himself again, and recalled: which plainly proves, that when Cranmer was trying by certain of these Concessions or Papers like some sort of Recantations, whether he could save his life, without renouncing the protestant religion, his conscience was so tender, that he retracted one of those small and modest Concessions or Retractations again: and that it was almost impossible for him at the same time to sign either of those long and horrible Recantations that his enemies published for him.

4. Mr. Strype himself, who believed that Cranmer did thus several times openly recant the protestant religion, confesses that the papists did print a forged Account of what Cranmer spake at his Execution, and compares in two columns, "What he was to have spoken, and what the papists gave out (in a print falsely) he did speak; and what he spake indeed; As was by hundreds of witnesses present notoriously known *(o)*. That they published in print these writings of the archbishop, bearing this title. "All the subscriptions and recantations of Thomas Cranmer, late archbishop of Canterbury, truly set forth both in Latin and

(m) See p. 249. of the present volume.

(n) Mem. of Cranmer, p. 388.

(o) Eccl. Mem. p. 237, 238.

English; agreeably to the originals, and subscribed with his own hand. *Visum & Examinatum per Reverendum Patrem & Dominum D. Edmundum Episcop. Londinensem.*" And adds, that this profligate bishop Bonner, to serve an end, prostituted his faith and credit, by testifying a thing so notoriously known to be quite otherwise, in relation to the archbishop's last speech before mentioned." He also adds, at the conclusion of the first column, that "this grievous lie is said to be printed at London, by Cawood, the queen's printer: *Cum privilegio, ann.* 1556." And at the conclusion of the second column he adds likewise, that "Cranmer would have spoken of the sacrament, and of the papacy: but that they bad 'Stop his mouth and pull him down.'" If here be not great reason to suspect fraud and knavery in this whole matter, I am much mistaken. See the like tricking and roguery about a Recantation used by the papists, to that learned and excellent person Angelus Merula; till at length they were going to burn him in his old age; but that he fell down dead at the stake, before the fire was kindled. Of which we have a full Account in Gerard Brandt's History of the Reformation, in the Low Countries. Which is also well worth the perusal of the inquisitive reader upon this occasion.—Nor have I published this Paper, which is very remote from my general course of study and enquiries, as pretending at all to demonstrative evidence; but to strong reasons for suspicion: and in order to set more proper persons upon farther researches: being still desirous that what is really true and right may be known by and prevail with all mankind. WILL. WHISTON.

London, March 3, 1735-6.

MR. STRYPE'S ACCOUNT OF ARCHBISHOP CRANMER'S DEATH. Memorials, p. 384.

MR. STRYPE having printed a remarkable Account of Cranmer's Death, in the words of a certain grave person unknown, as he stiles him, but a papist, who was an eye and ear witness, and related these matters, as it seems, very justly, in a Letter from Oxon to his Friend, I shall here re-print it verbatim. And recommend it to the Christian reader's serious perusal and consideration.

"But that I know for our great friendship, and long-continued love, you look even of duty, that I should signify to you of the truth of such things as here chanceth among us: I would not at this time have written to you the unfortunate end, and doubtful tragedy of T. C. late bishop of Canterbury: because I little pleasure take in beholding such heavy sights. And when they are once overpassed, I like not to rehearse them again; being but a renewing of my woe, and doubling my grief. For although his former life, and wretched end, deserves a greater misery (if any greater might have chanced, than chanced unto him) yet setting aside his offences to God and his country, and beholding the man without his faults, I think there was none that pitied not his case, and bewailed his fortune, and feared not his own chance, to see so noble a prelate, so grave a counsellor, of so long-continued honour, after so many dignities, in his old years to be deprived of his estate, adjudged to die, and in so painful a death to end his life. I have no delight to increase it. Alas, it is too much of itself, that ever so heavy a case should betide to man, and man to deserve it.

"But to come to the matter: on Saturday last, being the 21st of March, was his day appointed to die. And because the morning was much rainy, the Sermon appointed by Mr. Dr. Cole to be made at the Stake, was made in St. Mary's Church. Whither Dr. Cranmer was brought by the mayor and aldermen, and my lord Williams. With whom came divers gentlemen of the shire, sir T. A. Bridges, sir John Browne, and others. Where was prepared over against the pulpit, an high place for him, that all the people might see him. And when he had ascended it, he kneeled down and prayed, weeping tenderly: which moved a great number to tears, that had conceived an assured hope of his Conversion and Repentance.

"Then Mr. Cole began his Sermon. The sum whereof was this. First, He declared causes, why it was expedient, that he should suffer, notwithstanding his reconciliation. The chief are these, One was, for that he had been a great cause of all this alteration in this realm of England. And when the matter of the Divorce, between king Henry 8th, and queen Catherine *(p)*, was commenced in the court of Rome, he having nothing to do with it, set upon it, as judge, which was the entry to all the inconveniencies that followed. Yet in that he excused him, that he thought he did it not of malice, but by the persuasions and advice of certain Learned Men. Another was, that he had been the great setter forth of all this Heresy received into the Church in this last time; had written in it, had disputed, had continued it, even to the last hour: and that it had never been seen in this realm, (but in the time of Schism) that any man continuing so long, hath been pardoned: and that it was not to be remitted for example-sake. Other causes he alledged, but these were the chief, why it was not thought good to pardon him. Other causes beside, he said, moved the queen, and the council thereto, which were not meet and convenient for every one to understand them.

"The second Part touched the audience, how they should consider this thing; That they should hereby take example to fear God: and that there was no power against the Lord: having before their eyes a man of so high degree, sometime one of the chiefest prelates of the Church, an archbishop, the chief of the council, the second peer in the realm of long time: a man, as might be thought, in greatest assurance, a king of his side; notwithstanding all his authority and defence to be debased

(p) See No. 28.

from an high estate to a low degree; of a counsellor to be a caitiff; and to be set in so wretched estate, that the poorest wretch would not change conditions with him.

"The last and end appertained unto him. Whom, he comforted and encouraged to take his death well, by many places of Scripture. And with these, and such, bidding him nothing mistrust but he should incontinently receive that the thief did: To whom Christ said, *Hodie mecum eris in Paradiso.* And out of St. Paul armed him against the terrors of the fire, by this; *Dominus fidelis est: Non sinet vos tentari ultra quam ferre potestis:* By the example of the three children; to whom God made the flame seem like a pleasant dew. He added hereunto the rejoicing of St. Andrew in his cross; the patience of St. Laurence on the fire: ascertaining him, that God, if he called on him, and to such as die in his faith, either will abate the fury of the flame, or give him strength to abide it. He glorified God much in his conversion; because it appeared only to be his work: declaring what travel and conference had been used with him to convert him, and all prevailed not, until it pleased God of his mercy to reclaim him, and call him home. In discoursing of which place, he much commended Cranmer, and qualified his former doing.

"And I had almost forgotten to tell you, that Mr. Cole promised him, that he should be prayed for in every church in Oxford, and should have mass and Dirige sung for him; and spake to all the priests present to say mass for his soul.

"When he had ended his Sermon, he desired all the people to pray for him: Mr. Cranmer kneeling down with them, and praying for himself. I think there was never such a number so earnestly praying together. For they, that hated him before, now loved him for his conversion, and hope of continuance. They that loved him before could not suddenly hate him, having hope of his confession again of his fall. So love and hope encreased devotion on every side.

"I shall not need, for the time of Sermon, to describe his behaviour, his sorrowful countenance, his heavy chear, his face bedewed with tears; sometime lifting his eyes to heaven in hope, sometime casting them down to the earth for shame; to be brief, an image of sorrow: the dolor of his heart bursting out at his eyes in plenty of tears: retaining ever a quiet and grave behaviour. Which increased the pity in men's hearts, that they unfeignedly loved him, hoping it had been his repentance for his transgression and error. I shall not need, I say, to point it out unto you; you can much better imagine it yourself.

"When praying was done, he stood up, and having leave to speak, said, 'Good people, I had intended indeed to desire you to pray for me; which because Mr. Doctor hath desired, and you have done already, I thank you most heartily for it. And now will I pray for myself, as I could best devise for mine own comfort, and say the prayer, word for word, as I have here written it.' And he read it standing: and after kneeled down, and said the Lord's Prayer; and all the people on their knees devoutly praying with him. His Prayer was thus:

"'O Father of heaven; O Son of God 'redeemer of the world; O Holy Ghost, pro-'ceeding from them both, three persons and 'one God, have mercy upon me most wretch-'ed caitiff, and miserable sinner. I who have 'offended both heaven and earth, and more 'grievously than any tongue can express, whi-'ther then may I go, or whither should I fly 'for succour? To heaven I may be ashamed 'to lift up mine eyes; and in earth I find no re-'fuge. What shall I then do? shall I despair? 'God forbid. O good God, thou art merciful, 'and refuseth none that come unto thee for 'succour. To thee therefore do I run. To 'thee do I humble myself: saying, O Lord 'God, my sins be great, but yet have mercy 'upon me for thy great mercy. O God the 'Son, thou wast not made man, this great mys-'tery was not wrought, for few or small of-'fences. Nor thou didst not give thy Son 'unto death, O God the Father, for our little 'and small sins only, but for all the greatest 'sins of the world: so that the sinner return 'unto thee with a penitent heart; as I do here 'at this present. Wherefore have mercy upon 'me, O Lord, whose property is always to have 'mercy. For although my sins be great, yet 'thy mercy is greater. I crave nothing, O 'Lord, for mine own merits, but for thy name's 'sake, that it may be glorified thereby: And 'for thy dear Son Jesus Christ's sake. And 'now therefore, Our Father, which art in 'heaven, &c.'

"Then rising, he said, 'Every man desireth, 'good people, at the time of their death, to give 'some good exhortation, that other may remem-'ber after their deaths, and be the better there-'by. So I beseech God grant me grace, that 'I may speak something at this my departing, 'whereby God may be glorified, and you edi-'fied. First, It is an heavy case to see, that 'many folks be so much doted upon the love of 'this false world, and so careful for it, that or 'the love of God, or the love of the world to 'come, they seem to care very little or nothing 'therefore. This shall be my first exhortation. 'That you set not over-much by this false 'glossing world, but upon God and the world 'to come. And learn to know what this les-'son meaneth, which St. John teacheth, 'That 'the love of this world is hatred against God.' '—The second exhortation is, That next unto 'God, you obey your king and queen, willingly 'and gladly, without murmur or grudging: And 'not for fear of them only, but much more for 'the fear of God: knowing, that they be God's 'ministers, appointed by God to rule and govern 'you. And therefore whoso resisteth them, re-'sisteth God's ordinance.—The third Exhorta-'tion is, That you love altogether like brethren,

'and sisters. For alas! pity it is to see, what 'contention and hatred one Christian-man hath 'to another: not taking each other, as sisters 'and brothers; but rather as strangers and 'mortal enemies. But I pray you learn and 'bear well away this one lesson, To do good to 'all men as much as in you lieth, and to hurt 'no man, no more than you would hurt your 'own natural and loving brother or sister. 'For this you may be sure of, that whosoever 'hateth any person, and goeth about malici-'ously to hinder or hurt him, surely, and with-'out all doubt, God is not with that man, 'although he think himself never so much in 'God's favour.—The fourth Exhortation shall be 'to them that have great substance and riches 'of this world, That they will well consider and 'weigh those sayings of the scripture. One is 'of our Saviour Christ himself, who saith, 'It 'is hard for a rich man to enter into heaven:' 'A sore saying, and yet spoke by him, that 'knew the truth. The second is of St. John, 'whose saying is this, 'He that hath the sub-'stance of this world, and seeth his brother in 'necessity, and shutteth up his mercy from him, 'how can he say, he loveth God? Much more 'might I speak of every part; but time suf-'ficeth not. I do but put you in remembrance 'of things. Let all them that be rich, ponder 'well those sentences: for if ever they had any 'occasion to shew their charity, they have now 'at this present, the poor people being so 'many, and victuals so dear. For though I 'have been long in prison, yet I have heard of 'the great penury of the poor. Consider, that 'that which is given to the poor, is given to 'God. Whom we have not otherwise present 'corporally with us, but in the poor.—And now 'for so much as I am come to the last end of 'my life, whereupon hangeth all my life passed, 'and my life to come, either to live with my 'saviour Christ in heaven, in joy, or else to be 'in pain ever with wicked devils in hell; and 'I see before mine eyes presently either heaven 'ready to receive me, or hell ready to swallow 'me up; I shall therefore declare unto you my 'very faith, how I believe, without colour of dis-'simulation. For now is no time to dissemble, 'whatsoever I have written in times past.— 'First, I believe in God the Father Almighty, 'Maker of heaven and earth, &c. and every ar-'ticle of the catholic faith, every word and sen-'tence taught by our Saviour Christ, his apostles 'and prophets, in the Old and New Testament. '—And now I come to the great thing that trou-'bleth my conscience more than any other thing 'that ever I said or did in my life: And that is, 'the setting abroad of writings, contrary to the 'truth. Which here now I renounce, and re-'fuse, as things written with my hand, contrary 'to the truth, which I thought in my heart, and 'writ for fear of death, and to save my life, if it 'might be: And that is, all such bills, which I 'have written or signed with mine own hand, 'since my degradation: Wherein I have written 'many things untrue. And forasmuch as my 'hand offended in writing contrary to my heart, 'therefore my hand shall first be punished. For 'if I may come to the fire, it shall be first burned. 'And as for the pope, I refuse him, as Christ's 'enemy and Anti-Christ, with all his false doc-'trine.'

"And here being admonished of his Recanta-tion, and dissembling, he said, Alas, my lord, I have been a man, that all my life loved plain-ness, and never dissembled 'till now against the truth; which I am most sorry for. He added hereunto, that for the Sacrament, he believed as he had taught in his book against the bishop of Winchester. And here he was suffered to speak no more.

"So that his speech contained chiefly three points, love to God, love to the king, and love to the neighbour. In the which talk he held men very suspense, which all depended upon the conclusion. Where he so far deceived all mens expectations, that at the hearing thereat, they were much amazed; and let him go on a while, till my lord Williams bad him play the Christian man, and remember himself. To whom he answered, 'That he so did: for now he spake truth."

"Then he was carried away; and a great number, that did run to see him go so wickedly to his death, ran after him, exhorting him, while time was to remember himself. And one friar John, a godly and well-learned man, all the way travelled with him to reduce him. But it would not be. What they said in par-ticular I cannot tell, but the effect appeared in the end. For at the stake he professed, that he died in all such opinions as he had taught, and oft repented him of his Recantation.

"Coming to the stake with a chearful coun-tenance, and willing mind, he put off his gar-ments, with haste, and stood upright in his shirt; and a batchelor of divinity, named Elye, of Brazen-nose-college, laboured to convert him to his former Recantation, with the two Spa-nish friars. But when the friars saw his con-stancy, they said in Latin one to another, 'Let us go from him; We ought not to be nigh him: For the devil is with him.' But the batchelor in divinity was more earnest with him. Unto whom he answered, That as concerning his Re-cantation, he repented it right sore, because he knew it was against the truth; with other words more. Whereupon the lord Williams cried, Make short, Make short. Then the bishop took certain of his friends by the hand. But the batchelor of divinity refused to take him by the hand, and blamed all others that so did, and said, he was sorry that he ever came in his company. And yet again he required him to agree to his former Recantation. And the bishop answered, (shewing his hand) 'This is the hand that wrote it, and therefore shall it suffer first punishment.'—Fire being now put to him, he stretched out his right hand, and thrust it into the flame, and held it there a good space, before the fire came to any other part of his body; where his hand was seen of every man sensibly burning, crying with a loud voice, 'This hand hath offended.' As soon as the fire

got up, he was very soon dead, never stirring or crying all the while.

"His patience in the torment, his courage in dying, if it had been taken either for the glory of God, the wealth of his country, or the testimony of truth, as it was for a pernicious error, and subversion of true religion, I could worthily have commended the example, and matched it with the fame of any father of antient time: But seeing that not the death, but the cause and quarrel thereof, commendeth the sufferer, I cannot but much dispraise his obstinate stubbornness and sturdiness in dying, and specially in so evil a cause. Surely his death much grieved every man, but not after one sort. Some pitied to see his body so tormented with the fire raging upon the silly carcass, that counted not of the folly. Other that passed not much of the body, lamented to see him spill his soul wretchedly without redemption, to be plagued for ever. His friends sorrowed for love: his enemies for pity: strangers for a common kind of humanity, whereby we are bound one to another. Thus I have enforced myself, for your sake to discourse this heavy narration, contrary to my mind: And being more than half weary I make a short end, wishing you a quiet life, with less honour; and easier death, with more praise. The 23d of March. Yours, J. A."

51. The Arraignment of Sir THOMAS WYAT, knight, at Westminster, for High Treason: 1 MARY, 14th March, A. D. 1554. [From the MS. of D. Brereton Bourchier, late of Barnesly in Gloucestershire, 9007-8. See Catalogi Librorum Manuscript. Angliæ & Hiberniæ, tom. ii. part 1. p. 256. 8 Rapin, 131.]

THOU art indicted, sir Thomas Wyat, knight, for that thou, on the 14th day of February, didst, at Brentford in the county of Middlesex, levy war against our sovereign lady and queen, her crown and dignity: How sayest thou? art thou Guilty, or no?

Wyat. My lords, if I should plead Guilty, should I not be then excluded afterwards to use certain things that I have to say?

Court. You shall, Mr. Wyat, have leave to say and be heard what you can.

Wyat. Then my lords, must I confess Guilty, as, in the end, truth must enforce me to say: I must acknowledge this to be a just plague for my sins, which I most grievously have committed against God, who hath suffered me to fall into this beastly brutishness, and horrible offence of Treason. And lo in me the like, and as such, who attempted like enterprise from the beginning: for peruse the Chronicles through, and you shall read, that never Rebellion against their natural prince and country, from the beginning, prospered: Henry the 4th was but a rebel, for so must I call him; he continued not long, but at the end definite, it fell into the right line again: and the usurpation revenged in his blood; for the love of God, all you gentlemen that be here, remember, and be taught by examples past, as also by this my present infelicity, and most heinous offence. O most miserable, mischievous, and beastly, furious imagination of mine: for I thought, that by the marriage of the prince of Spain, the second person of this realm should have been in danger. And I who have lived a freeman born, should together with my country have been brought to bondage and servitude by aliens and strangers; which brutish beastliness then seemed reason, and wrought so far, and to such effect, as it led me to the use and practice of this my committed Treason: but now, understanding the great commodity, honour, and surety, which this realm shall receive by this marriage, if it shall please the queen to be merciful unto me, there is no man living that shall more trustily and more faithfully serve her highness, whatsoever the quarrel be: I served the queen's highness against the duke of Northumberland, as my lord of Arundel can witness: my grandfather was upon the rack for her majesty's grandfather: my father served king Henry 8th and I served him likewise; as also her grace's brother, and in witness of my blood lost, in the field, I carry a maim. I alledge not all this, either to merit or advance, for by this beastly brutishness, to which most miserably I am fallen unto, I have not only procured my own death, but overthrown my house and name, and defaced all my father's well-doings, if ever there were any.—I will not justify myself in any thing, neither can I alledge any excuse of my offences, but most humbly submit myself to the queen's majesty's mercy and pity; desiring you, my lord of Sussex, and you Mr. Hastings, with all the rest, to be a mean to the queen's highness for mercy; for pity is the greatest treasure that ever God gave to man, and it is that which he specially hath chosen to himself, which if her highness will vouchsafe on me her mercy to bestow it on him who shall be most glad to serve her highness, and readiest to die in her grace's cause: for I protest before the Judge of all Judges, I never meant hurt against her highness person.

The Queen's Attorney. Mr. Wyat, you have great cause to be sorry and repentant for the fault whereby you have not only undone yourself, but also numbers of other gentlemen, who being true men, might have served their country: yet, if you had gone no further, it might the better have been borne withal: not so

contented, you procured the duke of Suffolk, a man soon trained to your purpose, and his two brothers also, by which, without the queen's mercy, you have overthrown the noble house: yet not so staid, you attempted the second person of this realm, who should have been all our comforts, whereby her honour is brought into question; or what end it will come unto, God knoweth, and this are you the author of.

Wyat. Good Mr. Attorney, as I will not in any thing justify myself, so being in decay to much, overcharge me not with more mischief, and make or shew to be that I was not: I am loath to touch any man openly, but that for mine own discharge, I am driven for to do; and as I have given in Confession, so I affirm, that my lord of Devonshire sent sir Edward Rogers for me to come to his house, and when I came, he break the whole Treason unto me; he said, that he himself would go, and I cannot tell, but he said he would do many things: this proves I was not the first.

The Queen's Solicitor. As Mr. Attorney hath moved you, that is, to repent your offence, so I for my part, wish you the same: but what meant you first, when you rose, to write to my lady Elizabeth's grace, that she should remove further from the queen, and after that my lord of Norfolk's men fled from him at Rochester bridge to you, as a joyful news you sent to my lady Elizabeth of your good success, and she again sent you thanks: is not this true?

Wyat. What I have written, I confess, and it is true.

The Master of the Horse's Question. Mr. Wyat, were not this your words, and in these terms, when Mr. Cornwallis and I were sent unto you from the queen, you answered us, That the queen should go to the Tower, and you to have her person with the Tower in keeping, also the treasure, and such of the counsellors as you would require; for you said you had rather be trusted than trust.

Solicitor. This shall be ever called Wyat's Rebellion, as the Rebellion of Wat Tiler was called Wat Tiler's.

Attorney. Mr. Wyat, were you not privy how the queen should have been slain, as she did walk? I do not burden you to consent to this: for thus much must I say, you disliked it.

Wyat. Mr. Attorney, I first opened this, coming to my remembrance when I heard William Thomas would have slain himself, for it was his devise; and he brake in this wise to sir Nicholas Arnold, if the queen were killed, quoth he, all were well, and there is not so fit a man to do it as John Fitzwilliams. Sir Nicholas Arnold told it sir James Croftes, and he told it John Fitzwilliams, and John Fitzwilliams told it me, and thus at the 4th hand I heard it. Then made I a cudgel with a whole brent in it, with a whole iron and half a yard of —— in it, and sought John Fitzwilliams a whole day, and could not find him. The next day, I sent the cudgel by my man, and bade him bob him well, for the knave is but a spy, and to utter it he durst not, and therefore be bid to beat him; thus my man carried the cudgel three days, to have beaten him: by this it may appear, how much I abhorred that practice.

Then was the Letter shewed which he sent to the duke of Suffolk, Mr. Wyat being then in Southwark, that he should meet him at Kingston-Bridge, and so to go to London with him, although he came with the fewer company. Wyat at the first remembered no such letter, but when it was shewed him, he confessed his hand.—It was demanded of him, what he meant to write to my lady Elizabeth: and also his Pardon offered, to refuse also the bountifulness of the queen to my lady Elizabeth's grace, among other things besides recited.

Wyat. My lords, as my fault is most vile and heinous, for the which I ask God mercy, and next him my sovereign lady and queen, whom I most grievously have offended, appealing wholly to her mercy, without which I cannot challenge any thing sithence my offence committed. I have served her highness in such sort and degree as I either could or am able; for I have uttered what I know in all things, whereby I might deliver her highness from such after peril as the concealment of traitors or treason might prejudice or hurt: I have done this for her highness security, as I am bounden thereunto by duty and truth, which truly I have declared; for I think and certainly believe, she is as careful over this realm as of that her chiefest jewel: I must confess that of all the services I have been in, there was never a more desperate journey taken in hand, and to the end continued most desperately. And whereas it was asked why I refused the queen's highness's Pardon offered, unhappy man what shall I say?—When I was once entered in that devilish desperateness, there was no way but to wade through with it that I had taken in hand; for I thought others had been as forward as I myself; and following the enterprise, used all possible means that might endure the same, as writing to my lady Elizabeth, and making the Proclamation in Southwark. Well, there resteth now in the queen's highness, either of justice by death, which justly I have deserved with Wat Tiler, to make me an open example to the world's end: or else of her mercy to save me, and use my service in such sort as her highness thinks me meet and able to do: and albeit that her grace hath this my request in writing, yet I most humbly beseech you to be a means to the queen's highness for her mercy and pity, which is my last hope and only refuge; and I beseech God that the queen may be so merciful unto me, as I mean to serve her majesty faithfully and truly. God's will be done on me. If there be but two true men, I will be the one to die at her grace's feet:—And so ended. The Lords promised to be a means for him: his countenance was doleful, and tears gushed out continually.—He was afterwards executed.

Account of Wyat's Rebellion.

THE following concise Account of sir Tho-

mas Wyat's Conspiracy is extracted from Rapin, vol. vii. p. 129.

"After the treaty of the queen's marriage with Philip was made public, complaints and murmurs were every where heard. The protestants in particular believed themselves lost, and feared to see erected in England a Spanish inquisition. But they were not the only murmurers. Independently of religion, the greatest part of the nation was not free from the fears of king Philip's introducing the Spanish tyranny into England, of which the Indies, the Low-Countries, the kingdoms of Naples and Sicily, and the dutchy of Milan, afforded recent instances. In a word, few persons could believe that the emperor had agreed to the articles stipulated in the treaty, with any design to observe them. At last, these murmurs grew into a conspiracy against the queen, of which the marriage was either the cause or pretence. The duke of Suffolk, sir Thomas Wyat *(a)*, sir Peter Carew, formed the design of a general insurrection. Carew was to act in Cornwall, Wyat in Kent, and the duke of Suffolk in Warwickshire, which is in the center of the kingdom. Carew managed so ill, that his plot was discovered *(b)*, and one of his complices arrested before he had concerted his affairs. This sent him into France, and Wyat, upon his flight, hastened the execution of his enterprize, though it was the design of the conspirators to wait the arrival of Philip for a more plausible colour to their insurrection. Wyat therefore resolving to push his point, though he was yet unprepared, went to Maidstone with a few followers, and gave out he took up arms to prevent England from being invaded. Afterwards he marched to Rochester, from whence he writ to the sheriff to desire his assistance. But the sheriff, instead of espousing his cause, required him to lay down his arms, and assembled forces to oppose him.—This rebellion alarmed the court *(c)*, where nothing was ready to allay it, the queen having dismissed her forces, when she thought herself out of danger. Wherefore she sent a herald to Wyat with a full pardon, if he would lay down his arms in 24 hours. But he refused the offer of pardon. Mean time, the court was so unprepared, that the duke of Norfolk was sent with only 600 of the city trained-bands *(d)*, commanded by an officer named Bret. Whilst this was doing, the sheriff of Kent, *(e)* as he was going to join the duke of Norfolk, met and defeated Knevet, who with some troops, was marching to join Wyat, and killed sixty of his men. This ill success so alarmed Wyat, that he had now resolved to consult his own safety *(f)*, when an unexpected accident inspired him with fresh courage. Sir George Harper, one of Wyat's adherents, pretending to desert him, went to the duke of Norfolk, and so artfully managed the trained-bands, that they took part with the rebels, and quitting the duke, joined Wyat *(g)*. —With this reinforcement and his other troops, making together a body of 4,000 men, Wyat marched towards London. He met near Deptford two messengers from the queen, who in her name asked what would content him. He demanded the Tower and the queen's person to be put into his hands, and the council to be changed as he should think proper. This demand being rejected, the queen repaired to Guildhall, and acquainted the magistrates with Wyat's answer. She then spoke of her marriage, and told them she had done nothing in it but by the advice of her council. And, to give them a proof of the confidence she reposed in them, she resolved to stay in the city, though many advised her to withdraw to the Tower.—Wyat in the mean time continued his march, and reached the borough of Southwark the 3d of February, expecting to enter the city without any difficulty. But the bridge being strongly barricaded and guarded, he was obliged to march along the Thames to Kingston, ten miles from London. Here he found the bridge broken, and spent some hours in repairing it. He then passed to the other side with his army, increased now to near 6,000 men. After that, he continued his march to London, and after some time lost in repairing one of his broken carriages, reached Hyde-Park about nine in the morning, the 7th of February. The time unseasonably spent in repairing the carriage, rendered his undertaking abortive. For in that interval Harper, who had been so serviceable in bringing over the trained-bands, deserted, and posting to court, discovered his intentions to march through Westminster, and enter the city by Ludgate. This advice came seasonably to the earl of Pembroke and lord Clinton, who, at the head of some troops, had resolved to engage him as he entered the city. But, observing he was entangling himself in the streets where he could not extend his troops, they thought it better to let him pass, after orders given to shut the gate through which he designed to enter.—Wyat still prepossesed that

(a) This sir Thomas Wyat had been oft employed in embassies, particularly in Spain; where he had made such observations on the cruelty and subtilty of the Spaniards, that he could not look, without a just concern, on the miseries his country was like to fall under. Burnet, tom. iii. p. 224.

(b) It seems he was too hasty in raising men and making other preparations. Godw. p. 340.

(c) The news of it came to London, January 25. Idem. p. 341. Stow, p. 618.

(d) Five hundred, says Godwin, together with the queen's guards. Ibid.

(e) Sir Rob. Southwell, Hollinsh. p. 1094.

(f) He was seen to weep, and called for a coat which he stuffed with money, designing to escape. Burnet, p. 285.

(g) Thereupon the duke of Norfolk fled, together with the earl of Arundel, and sir Henry Jernegan, captain of the guard. But Wyat coming up that moment with a party of horse, intercepted the rest; and seized eight brass guns, and all Norfolk's baggage. Godwin, p. 341.

the citizens would favour his undertaking, left his cannon under a guard at Hyde-Park, and entering Westminster *(h)*, pursued his march through the Strand, in his way to Ludgate. As he advanced, care was taken to cut off his retreat by barricades and men placed at all the avenues. He believed himself now at the height of his wishes, when he found the gate into the city shut against him. He then first discovered his danger, and, perceiving it was impossible to retire, lost all courage. As he was endeavouring to return, a herald came to him, and exhorting him not to sacrifice the lives of so many followers, he surrendered quietly, and was sent to prison. This unfortunate man, who doubtless had but a slender capacity, foolishly imagined, without having good assurances, that the city of London would declare in his favour, and that proved his ruin. If his measures had been better taken, the queen and her ministers would have been greatly embarrassed, at a time when the government, weak as it was, had already created many enemies. But the ill success of this enterprise so strengthened the queen's authority, that henceforward she found no more resistance. After the taking of Wyat, his men being dispersed, were taken at pleasure, and filled the prisons.

While Wyat was acting in Kent and London, the duke of Suffolk had made but small progress in the county of Warwick. He would not have been so much as suspected, had not an express been seized, sent to him by Wyat to inform him of the reasons which had obliged him to hasten his undertaking, and to pray him to be as expeditious as possible. Upon this advice, the earl of Huntington had orders to arrest him. The duke was informed, and being not yet secure of fifty horse, chose to conceal himself in the house of one of his domestics, who basely betrayed him to the earl of Huntington, by whom he was conveyed to the Tower the 11th of February. Such was the success of this conspiracy. Had it been managed by abler heads, it might have been attended with great consequences. But few men of reputation cared to put themselves under the conduct of such leaders. If it had caused only the death of the principal actors, they might have been said to meet the just reward of their folly. But it produced two considerable effects, one fatal to an illustrious and innocent person, and the other to all protestants. Not that religion had any share in the conspiracy, Wyat himself being a Roman catholic, and the queen in her proclamation not accusing the protestants, though since some historians have been pleased to brand them. But as the queen's authority was strengthened by the ill success of this undertaking, she turned it entirely to the ruin of the reformed and the reformation. The duke of Suffolk being concerned in the conspiracy, the court easily understood his design was to replace his daughter the lady Jane on the throne; and this determined the queen to sacrifice her to her own safety.

"Two days after the taking of Wyat a message was sent to Jane Grey and her husband to bid them prepare for death. Jane, as she had long expected it, received the message with great resolution. Mean while, Dr. Fecknam who brought it, and had orders to exhort her to change her religion, preposterously imagining she desired some time to be determined, obtained three days respite of her execution. But she let him know, it was no satisfaction to her. She was well assured, the jealousy of the government would not suffer her to live, and therefore she had employed the whole time of her confinement in a preparation for death. Some have believed, that without this last attempt of the duke of Suffolk, the queen would have spared his daughter. But as afterwards such numbers were put to death for their religion, it is not likely that Jane, so firmly attached to the protestant religion, would have been more mercifully used than the rest, even though the queen could have prevailed with herself to pardon her treason. Be this as it will, she was executed the 12th of February, after seeing the headless body of her husband pass by her, as he was brought back from execution to be interred in the chapel of the Tower. She shewed to the last moment a great constancy and piety, and an immoveable adherence to the reformation, owning however herself guilty of a great sin in accepting a crown which belonged not to her. The duke of Suffolk her father was tried the 17th of the same month, and executed the 21st, with great grief for having been the cause of his daughter's death.

"Next, Wyat was brought to his trial, where he offered to make great discoveries, if his life might be saved. He accused even the princess Elizabeth and the earl of Devonshire as concerned in the conspiracy. This did not prevent his sentence, but only gained him a respite of two months, because of the hopes of drawing from him considerable discoveries. Mean time the earl of Devonshire was committed to the Tower, and the princess Elizabeth, though indisposed, was brought to London and closely confined in Whitehall, without liberty to speak to any person. On the 11th of March following she was sent to the Tower.—The 14th and 15th of February, Bret, commander of Wyat's forces and 58 more, were hanged. Some days after, 600 prisoners with halters about their necks waited on the queen, and received their pardon. But this was not capable to efface the impression made in men's minds by so many executions for a conspiracy in which was no effusion of blood. The fault was thrown on Gardiner, who was accused of leading the queen to an excessive jealousy of her authority,

(h) He advanced with five companies towards Ludgate, whilst Cuthbert Vaughan, with two companies more, marched towards Westminster. At Charing-cross, sir John Gage lord chamberlain, went to oppose Wyat, but retired in disorder. Godwin, p. 342.

and the most extreme rigour. An affair happened at the same time, which also greatly alarmed and filled the people with fears of the queen's intending to rule with too extensive a power. Sir Nicholas Throgmorton being accused and tried as an accomplice in the conspiracy, was acquitted by his Jury for want of sufficient proof to condemn him. For this the jury were severely fined. So the juries were deprived of the liberty of judging according to their consciences, and instead of being governed by proofs, they were to examine how the court stood affected to the prisoners, and by that determine their verdict. This rigour exercised upon the jury was fatal to sir John Throgmorton, who was found guilty upon the same evidence on which his brother had been acquitted.

The respite granted to Wyat had a quite contrary effect to what the court expected. This unhappy man, who had accused Elizabeth and the earl of Devonshire only in hopes of a pardon, finding he must die, fully cleared them in his second examination: and for fear his last declaration should be suppressed, he renewed it at the place of execution. He was executed on the 11th of April 1554.

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52. The Trial of Sir NICHOLAS THROCKMORTON, knight, in the Guildhall of London, for High Treason: 1 MARY, April 17, 1554: Together with the Proceedings against Sir Nicholas Throckmorton's JURY. [3 Hollingshead, 1104, 1121, 1126.]

THE Commissioners appointed to try him were, sir Thomas White, knight, lord mayor of London, the earl of Shrewsbury, the earl of Derby, sir Tho. Bromley, lord chief justice of England, sir Nicholas Hare, master of the Rolls, sir Francis Englefield, master of the court of wards and liberties; sir R. Southwell, one of the privy-council; sir Edw. Walgrave, one of the privy-council; sir Roger Cholmeley; sir Wm. Porteman, one of the justices of the king's-bench; sir Edw. Saunders, one of the justices of the common pleas; master Stanford and master Dyer, sergeants; master Edward Griffin, attorney general; master Sendall, and Peter Tichborne, clerks of the crown.

First, after Proclamation made, and the Commission read, the lieutenant of the Tower, master Tho. Bridges, brought the prisoner to the bar: then silence was commanded, and Sendall said to the prisoner as followeth:

Sendall. Nicholas Throckmorton, knight, hold up thy hand, Thou art before this time indicted of High-Treason, &c. that thou then and there didst falsly and traiterously, &c. conspire and imagine the death of the queen's majesty, &c. and falsly and traiterously did levy war against the queen within her realm, &c. and also thou was adherent to the queen's enemies within her realm, giving to them aid and comfort, &c. and also falsly and traiterously did conspire and intend to depose and deprive the queen of her royal estate, and so finally destroy her, &c. and also thou didst falsly and traiterously devise and conclude to take violently the Tower of London, &c. Of all which Treasons and every of them in manner and form, &c. art thou Guilty or Not guilty?

Throckmorton. May it please you my lords and masters, which be authorised by the queen's commission to be judges this day, to give me leave to speak a few words, which doth both concern you and me, before I answer to the Indictment, and not altogether impertinent to the matter, and then plead to the Indictment.

Bromley. No, the order is not so, you must first plead whether you be guilty or no.

Throckmorton. If that be your order and law, judge accordingly to it.

Hare. You must first answer to the matter wherewith you are charged, and then you may talk at your pleasure.

Throckmorton. But things spoken out of place were as good not spoken.

Bromley. These be but delays to spend time, therefore answer as the law willeth you.

Throckmorton. My lords, I pray you make not too much haste with me, neither think not long for your dinner, for my case requireth leisure, and you have well dined when you have done justice truely. Christ said, 'Blessed are they that hunger and thirst for righteousness.'

Bromley. I can forbear my dinner as well as you, and care as little as you peradventure.

Shrewsbury. Come you hither to check us, Throckmorton? we will not be so used, no, no, I for my part have forborn my breakfast, dinner and supper, to serve the queen.

Throckmorton. Yea, my good lord, I know it right well: I meant not to touch your lordship, for your service and pains is evidently known to all men.

Southwell. Mr. Throckmorton, this talk need not, we know what we have to do, and you would teach us our duties; you hurt your matter, go to! go to!

Throckmorton. M. Southwell, you mistake me, I meant not to teach you, nor none of you, but to remember you of that I trust you all be well instructed in, and so I satisfy myself, since I shall not speak, thinking you all know what you have to do, or ought to know, so I will answer to the Indictment, and do plead Not guilty to the whole, and to every part thereof.

Sendall. How wilt thou be tried?

Throckmorton. Shall I be tried as I would, or as I should?

Bromley. You shall be tried as the law will, and therefore you must say, by God and by the country.

Throckmorton. Is that your law for me? It is not as I would; but since you will have it so, I am pleased with it, and do desire to be tried by faithful just men, which more fear God than the world.

The Names of the Jurors were, Lucas, Yong, Martyn, Beswicke, Bascafield, Kightley, Lowe, Whetston, Pointer, Bankes, Calthorp, Cater. What time the Attorney went forthwith to Mr. Cholmley, and shewed him the sheriffs return, who being acquainted with the citizens, knowing the corruptions and dexterities of them in such cases, noted certain to be challenged for the queen, (a rare case) and the same men being known to be sufficient and indifferent, and that no exceptions were to be taken to them, but only for their upright honesties, notwithstanding the Attorney prompting serjeant Dier; the said serjeant challenged one Bacon, and another citizen peremptorily for the queen. Then the prisoner demanded the cause of the challenge: the serjeant answered, we need not shew you the cause of the challenge for the queen. Then the inquest was furnished with other honest men, that is to say, Whetston and Lucas, so the prisoner used these words:

Throckmorton. I trust you have not provided for me this day, as in times past I knew another gentleman occupying this woful place was provided for. It chanced one of the Justices upon jealousy of the prisoner's acquittal, for the goodness of his cause, said to another of his companions, a justice, when the jury did appear, I like not this jury for our purpose, they seem to be too pitiful and too charitable to condemn the prisoner. No, no, said the other Judge (viz. Cholmley) I warrant you, they be picked fellows for the nonce, he shall drink of the same cup his fellows have done. I was then a looker on of the pageant as others be now here, but now wo is me, I am a player in that woful tragedy. Well, for these and such other like the black ox hath of late trodden on some of their feet, but my trust is, I shall not be so used.—Whilst this talk was, Cholmley consulted with the Attorney about the Jury, which the prisoner espied, and then said as here ensueth, Ah, ah, master Cholmley, will this foul packing never be left?

Cholmley. Why what do I, pray you, Mr. Throckmorton? I did nothing, I am sure you do pick quarrels to me.

Throckmorton. Well master Cholmley, if you do well, it is better for you, God help you.

The Jury then was sworn, and Proclamation made, that whosoever would give Evidence against sir Nicholas Throckmorton, knight, should come in and be heard, for the prisoner stood upon his deliverance: whereupon serjeant Stanford presented himself to speak.

Throckmorton. And it may please you master Serjeant, and the others my masters of the Queen's learned counsel, like as I was minded to have said a few words to the Commissioners, if I might have had leave, for their better remembrance of their duties in this place of justice, and concerning direct indifferency to be used towards me this day; so by your patience I do think good to say somewhat to you, and to the rest of the queen's learned council, appointed to give evidence against me, and albeit you and the rest by order be appointed to give evidence against me, and entertained to set forth the Depositions and Matter against me, yet I pray you remember I am not alienate from you, but that I am your Christian brother? neither you so charged, but you ought to consider equity, nor yet so privileged, but that you have a duty of God appointed you how you shall do your office, which if you exceed, will be grievously required at your hands. It is lawful for you to use your gifts, which I know God hath largely given you, as your learning, art and eloquence, so as thereby you do not seduce the minds of the simple and unlearned Jury, to credit matters otherwise than they be. For master Serjeant, I know how by persuasions, enforcements, presumptions, applying, implying, inferring, conjecturing, deducing of arguments, wresting and exceeding the law, the circumstances, the depositions and confessions, that unlearned men may be enchanted to think and judge those that be things indifferent, or at the worst but oversights, to be great Treasons; such power orators have, and such ignorance the unlearned have. Almighty God by the mouth of his prophet, doth conclude such advocates be cursed, speaking these words, 'Cursed be he that doth his office craftily, corruptly, and maliciously.' And consider also, that my blood shall be required at your hands, and punished in you and yours, to the third and fourth generation. Notwithstanding you and the Justices excuse always such erroneous doings, when they be after called in question by the Verdict of the twelve men; but I assure you, the purgation serveth you as it did Pilate, and you wash your hands of the bloodshed, as Pilate did of Christ's. And now to your matter.

Stanford. And it please you, my lords, I doubt not to prove evidently and manifestly, that Throckmorton is worthily and rightly indicted and arraigned of these Treasons, and that he was a principal deviser, procurer and contriver of the late Rebellion, and that Wyat was but his minister. How say you, Throckmorton, did not you send Winter to Wyat into Kent, and did devise that the Tower of London should be taken, with other Instructions concerning Wyat's stir and rebellion?

Throckmorton. May it please you that I shall answer particularly to the matters objected against me, in as much as my memory is not good, and the same much decayed since my grievous imprisonment, with want of sleep, and other disquietness: I confess I did say to

Winter, that Wyat was desirous to speak with him, as I understood.

Stanford. Yea sir, and you devised together of the taking of the Tower of London, and of the other great treasons.

Throckmorton. No, I did not so; prove it.

Stanford. Yes sir, you met with Winter sundry times, as shall appear, and in sundry places.

Throckmorton. That granted, proveth no such matter as is supposed in the indictment.

Stanford read Winter's Confession, which was of this effect; 'That Throckmorton met with Winter one day in Tower-street, and told him, that sir Thomas Wyat was desirous to speak with him, and Winter demanded where Wyat was: Throckmorton answered, at his house in Kent, not far from Gillingham, as I heard say, where the ships lie. Then they parted at that time, and shortly after Throckmorton met with Winter, unto whom Winter said, Master Wyat doth much mislike the coming of the Spaniards into this realm, and feareth their short arrival here in as much as daily he heareth thereof; doth see daily divers of them arrive here, scattered like soldiers; and therefore he thinketh good the Tower of London should be taken by a sleight, before the prince came, lest that piece be delivered to the Spaniards. How say you Throckmorton to it? Throckmorton answered, I mislike it for divers respects; even so do I, said Winter. At another time Throckmorton met me the said Winter in Paul's, when he had sent one to my house to seek me before; and he said to me, you are Admiral of the Fleet that now goeth into Spain. I answered, yea. Throckmorton said, when will your ships be ready? I said, within ten days. Throckmorton said, I understand you are appointed to conduct and carry the Lord Privy Seal into Spain; and considering the danger of the Frenchmen, which you say arm them to the sea apace, me think it well done, you put my said lord and his train on land in the West country to avoid all danger. Throckmorton said also, that Wyat changed his purpose, for taking the Tower of London: I said I was glad of it; and as for the Frenchmen, I care not much for them, I will so handle the matter, that the queen's ships shall be I warrant you in safeguard. Another time I met with Mr. Throckmorton when I came from the emperor's ambassador's, unto whom I declared, that the emperor had sent me a fair chain, and showed it unto Throckmorton, who said, For this chain you have sold your country. I said, it is neither French king nor emperor that can make me sell my country, but I will be a true Englishman: then they parted. This is the sum of the talk betwixt Throckmorton and Winter.'

Stanford. Now my masters of the Jury, you have heard my sayings confirmed with Winter's Confession: how say you Throckmorton, can you deny it? if you will, you shall have Winter justify it to your face.

Throckmorton. My lords, shall it please you that I shall answer?

Bromley. Yea, say your mind.

Throckmorton. I may truly deny some part of this Confession; but because there is nothing material greatly, I suppose the whole to be true, and what is herein deposed, sufficient to bring me within the compass of the Indictment.

Stanford. It appeareth that you were of counsel with Wyat, inasmuch as you sent Winter down to him, who uttered unto him divers traitorous devices.

Throckmorton. This is but conjectural; yet since you will construe so maliciously, I will recount how I sent Winter to Wyat: and then I pray you of the Jury, judge better than master Serjeant doth. I met by chance a servant of master Wyat's, who demanded of me for Winter, and shewed me, that his master would gladly speak with him; and so without any further declaration, desired me, if I met Winter, to tell him master Wyat's mind, and where he was. Thus much for the sending down of Winter.

Attorney. Yea, sir, but how say you to the taking of the Tower of London, which is treason?

Throckmorton. I answer, though Wyat thought meet to attempt so dangerous an enterprize, and that Winter informed me of it, you cannot extend Wyat's devices to be mine, and to bring me within the compass of Treason; for what manner of reasoning or proof is this, Wyat would have taken the Tower, *ergo* Throckmorton is a Traitor? Winter doth make my purgation in his own Confession, even now read as it was by master Serjeant, though I say nothing; for Winter doth avow there, that I did much mislike it. And because you shall the better understand that I did always not allow these master Wyat's devices, I had these words to Winter, when he informed me of it; I think master Wyat would no Englishman hurt, and this enterprize cannot be done without the hurt and slaughter of both parties; for I know him that hath the charge of the peace, and his brother, both men of good service; the one had in charge a piece of great importance, Boulogne I mean, which was stoutly assailed, and notwithstanding he made a good account of it for his time, that like I am sure he will do by this his charge. Moreover, to account the taking of the Tower is very dangerous by the law. These were my words to Winter. And besides, it is very unlike, that I of all men would confederate in such a matter against the Lieutenant of the Tower, whose daughter my brother hath married, and his house and mine allied together by marriage sundry times within these few years.

Hare. But how say you to this, that Wyat and you had conference together sundry times at Warner's house, and in other places?

Throckmorton. This is a very general charge, to have conference; but why was it not as lawful for me to confer with Wyat, as with you, or any other man? I then knew no more by Wyat, than by any other; and to

prove to talk with Wyat was lawful and indifferent, the last day I did talk with Wyat, I saw my lord of Arundel, with other noblemen and gentlemen, talk with him familiarly in the chamber of presence.

Hare. But they did not conspire nor talk of any stir against the Spaniards as you did pretend, and meant it against the queen; for you, Croftes, Rogers and Warner, did oftentimes devise in Warner's house about your traitorous purposes, or else what did you so often there?

Throckmorton. I confess I did mislike the queen's Marriage with Spain, and also the coming of the Spaniards hither; and then me thought I had reason to do so, for I did learn the reasons of my misliking of you master Hare, master Southwell, and others in the parliament house; there I did see the whole consent of the realm against it; and I a hearer, but no speaker, did learn my misliking of those matters, confirmed by many sundry reasons amongst you: but as concerning any stir or uproar against the Spaniards, I never made any, neither procured any to be made; and for my much resort to master Warner's house, it was not to confer with master Wyat, but to shew my friendship to my very good lord the marquis of Northampton, who was lodged there when he was enlarged.

Stanford. Did not you, Throckmorton, tell Winter that Wyat had changed his mind for the taking of the Tower; whereby it appeared evidently that you knew of his doings?

Throckmorton. Truly I did not tell him so, but I care not greatly to give you that weapon to play you withal: now let us see what you can make of it?

Stanford. Yea, sir, that proveth that you were privy to Wyat's mind in all his devices and treasons, and that there was sending betwixt you and Wyat from time to time.

Throckmorton. What Mr. Serjeant, doth this prove against me, that I knew Wyat did repent him of an evil devised enterprise? Is it to know Wyat's repentance, sin? No, it is but a venial sin; if it be any, it is not deadly. But where is the messenger or message that Wyat sent to me touching his alteration? and yet it was lawful enough for me to hear from Wyat at that time, as from any other man, for any act that I knew he had done.

Dyer. And it may please you my lords, and you my masters of the Jury, to prove that Throckmorton is a principal doer in this Rebellion, there is yet many other things to be declared: amongst other, there is Croftes's Confession, who sayeth, that he and you and your accomplices, did many times devise about the whole matters, and he made you privy to all his determinations, and you shewed him that you would go into the west country with the earl of Devon, to sir Peter Caroe, accompanied with others.

Throckmorton. Master Croftes is yet living, and is here this day; how happeneth it he is not brought face to face to justify this matter, neither hath been of all this time? Will you know the truth? either he said not so, or he will not abide by it, but honestly hath reformed himself. And as for knowing his devices, I was so well acquainted with them, that I can name none of them, nor you neither, as matter known to me.

Attorney. But why did you advise Winter to land my lord privy seal in the west country?

Throckmorton. He that told you that my mind was to land him there, doth partly tell you a reason why I said so, if you would remember as well the one as the other; but because you are so forgetful, I will recite wherefore: In communication betwixt Winter and me, as he declared to me that the Spaniards provided to bring their prince hither, so the Frenchmen prepared to interrupt his arrival, for they began to arm to the sea, and had already certain ships on the west coast, as he heard, unto whom I said, that peradventure not only the queen's ships under his charge might be in jeopardy, but also my lord privy seal, and all his train, the Frenchmen being well prepared to meet with them; and therefore for all events it were good you should put my said lord in the west country, in case you espy any jeopardy. But what doth this prove to the treasons, if I were not able to give convenient reasons to my talk?

Stanford. Marry, sir, now cometh the proofs of your Treasons: you shall hear what Cuthert Vaughan sayeth against you.

Then serjeant Stanford did read Vaughan's Confession tending to this effect, That Vaughan coming out of Kent, met with Throckmorton at Mr. Warner's house, who after he had done commendations from Wyat to him, desired to know where Crofts was; Throckmorton answered, either at Arundel house where he lodgeth, or in Paul's. Then Vaughan desired to know how things went at London, saying, Mr. Wyat and we of Kent do much mislike the Marriage with Spain, and the coming of the Spaniards for divers respects; howbeit, if other countries mislike them as Kent doth, they shall be but hardly welcome: and so they parted. Shortly after Throckmorton met with Vaughan in Paul's, unto whom Throckmorton declared with sundry circumstances, that the western men were in readiness to come forwards; and that sir Peter Caroe had sent unto him even now, and that he had in order a good band of horsemen, and another of footmen. Then Vaughan demanded what the earl of Devon would do; Throckmorton answered he will mar all, for he will not go hence; and yet sir Peter Caroe would meet him with a band both of horsemen and footmen, by the way of Andover, for his safeguard; and also he should have been well accompanied from hence with other gentlemen, yet all this will not move him to depart hence. Moreover, the said earl hath, as is said, discovered all the whole matter to the chancellor, or else it is come out by his tailor, about the trimming of a shirt of mail, and the making of a cloak. At another time, Vaughan saith, Throckmorton shewed him, that he had sent a post to

sir Peter Caroe to come forward with as much speed as might be, and to bring his force with him. And also Throckmorton advised Vaughan to will Mr. Wyat come forward with his power, for now was the time, inasmuch as the Londoners would take his part, if the matter were presented unto them. Vaughan said also, that Throckmorton and Warner should have ridden with the said earl westward. Moreover, the said Vaughan deposed, that Throckmorton shewed him in talk of the earl of Pembroke, that the said earl would not fight against them, though he would not take their parts. Also Vaughan said, That Throckmorton shewed him that he would ride down to Berkshire to sir Francis Englefield's house, there to meet his eldest brother, to move him to take his part. And this was the sum of Cutbert Vaughan's Confession:

Stanford. How say you, doth not here appear evident matter to prove you a principal, who not only gave order to sir Peter Caroe and his adherents, for their rebellious acts in the west country; but also procured Wyat to make his Rebellion, appointing him and the others also, when they should attempt their enterprise, and how they should order their doings from time to time? besides all this evident matter, you were specially appointed to go away with the earl of Devon, as one that would direct all things, and give order to all men; and therefore Throckmorton, since this matter is so manifest, and the evidence so apparent, I would advise you to confess your fault, and submit yourself to the queen's mercy.

Bromley. How say you, will you confess the matter? and it will be best for you.

Throckmorton. No, I will never accuse myself unjustly; but inasmuch as I am come hither to be tried, I pray you let me have the law favourably.

Attorney. It is apparent that you lay at London as a factor, to give intelligence as well to them in the west, as to Wyat in Kent.

Throckmorton. How prove you that, or who doth accuse me but this condemned man?

Attorney. Why, will you deny this matter? you shall have Vaughan justify his whole Confession here before your face.

Throckmorton. It shall not need, I know his unshamefacedness, he hath avowed some of this untrue talk before this time to my face; and it is not otherwise like, considering the price, but he will do the same again.

Attorney. My lords and masters, you shall have Vaughan to justify this here before you all, and confirm it with a book oath.

Throckmorton. He that hath said and lied, will not, being in this case, stick to swear and lie.

Then was Cutbert Vaughan brought into the open Court.

Sendall. How say you, Cutbert Vaughan, is this your own Confession, and will you abide by all that is here written?

Vaughan. Let me see it, and I will tell you.

Then his Confession was shewed him.

Attorney. Because you of the jury the better may credit him, I pray you my lords let Vaughan be sworn.

Then was Vaughan sworn on a book to say nothing but the truth.

Vaughan. It may please you my lords and masters, I could have been well content to have chose 7 years imprisonment, though I had been a free man in the law, rather than I would this day have given evidence against sir Nicholas Throckmorton, unto whom I bear no displeasure; but sithence I must needs confess my knowledge, I must confess all that is there written is true. How say you Mr. Throckmorton, was there any displeasure between you and me, to move me to say aught against you?

Throckmorton. Not, that I know: how say you Vaughan, what acquaintance was there between you and me, and what letters of credit, or token did you bring me from Wyat, or any other, to move me to trust you?

Vaughan. As for acquaintance, I knew you as I did other gentlemen; and as for letters, I brought you none other but commendations from Mr. Wyat, as I did to divers other of his acquaintance at London.

Throckmorton. You might as well forge the commendations as the rest; but if you have done with Vaughan, my lords, I pray you give me leave to answer.

Bromley. Speak, and be short.

Throckmorton. I speak generally to all that be here present, but especially to you of my jury, touching the credit of Vaughan's Depositions against me, a condemned man; and after to the matter: and note, I pray you, the circumstances, the better to induce somewhat material. First, I pray you remember the small familiarity betwixt Vaughan and me, as he hath avowed before you, and moreover, to procure credit at my hand, he brought neither letter nor token from Wyat, nor from any other to me, which he also hath confessed here, and I will suppose Vaughan to be in as good condition as any other man here, that is to say, an uncondemned man; yet I refer it to your good judgment, whether it were like that I knowing only Vaughan's person from another man, and having none other acquaintance with him, would so frankly discover my mind to him in so dangerous a matter. How like, I say, is this, when divers of these gentlemen now in captivity, being my very familiars, could not depose any such matter against me, and nevertheless upon their examinations have said what they could? And though I be no wise man, I am not so rash to utter to an unknown man, for so may I call him in comparison, a matter so dangerous for me to speak, and him to hear; but because my truth and his falshood shall the better appear unto you, I will declare his inconstancy in uttering this his evidence; and for my better credit, it may please you, Mr. Southwell, I take you to witness, when Vaughan first justified this his unjust accusation against me before the lord Paget, the lord chamberlain, you Mr. Southwell, and others, he referred the confir-

mation of this surmised matter to a letter sent from him to sir Tho. Wyat; which letter doth neither appear, nor any Testimony of the said Mr. Wyat against me touching the matter: for I doubt not sir Tho. Wyat hath been examined of me, and hath said what he could directly or indirectly. Also Vaughan saith, that young Edward Wyat could confirm this matter, as one that knew this pretended discourse betwixt Vaughan and me; and thereupon I made suit that Edward Wyat might either be brought face to face to me, or otherwise be examined.

Southwell. Mr. Throckmorton, you mistake your matter, for Vaughan said, that Edward Wyat did know some part of the matter, and also was privy to the letter that Vaughan sent to sir Tho. Wyat.

Throckmorton. Yea, sir, that was Vaughan's last shift, when I charged him before the master of the horse, and you, with his former allegations touching his witness; whom when he espied, would not do so lewdly as he thought, then he used this alteration: but where is Edw. Wyat's depositions of any thing against me, now it appeareth neither his first nor his last tale to be true? For you know, Mr. Bridges, and so doth my lord your brother, that I desired twice or thrice Edw. Wyat should be examined; and I am sure, and most assured, he hath been willed to say what he could, and here is nothing deposed by him against me, either touching any letter or other conference; or where is Vaughan's letter sent by sir Tho. Wyat concerning my talk?—But now I will speak of Vaughan's present estate, in that he is a condemned man, whose testimony is nothing worth by any law; and because false witness be mentioned in the Gospel, treating of Accusation, heark I pray you what St. Jerome saith, expounding the place: it is demanded why Christ's accusers be called false witnesses, which did report Christ's words not as he spake them; they be false witnesses, saith St. Jerome, which do add, alter, wrest, double or do speak for hope to avoid death, or for malice to procure another man's death: for all men may easily gather he cannot speak truly of me, or in the case of another man's life, where he hath hope of his own by accusation. Thus much speaketh St. Jerome of false witness. By the civil law there be many exceptions to be taken against such Testimonies; but because we be not governed by that law, neither I have my trial by it, it shall be superfluous to trouble you therewith, and therefore you shall hear what your own law doth say. There was a statute made in my late sovereign lord and master his time, touching Accusation, and these be the words: 'Be it enacted, That no 'person or persons, &c. shall be indicted, arraigned, condemned, or convicted for any offence of Treason, Petit Treason, Misprision 'of Treason, for which the same offender shall 'suffer any pains of death, imprisonment, 'loss or forfeiture of his goods, lands, &c. unless the same offender be accused by two sufficient and lawful witnesses, or shall willingly 'without violence confess the same.' And also in the 6th year of his reign, it is thus ratified as ensueth: 'That no person nor persons shall 'be indicted, arraigned, condemned, convicted 'or attainted of the Treasons or Offences aforesaid, or for any other Treasons that now be, 'or hereafter shall be, unless the same offender or offenders be thereof accused by two 'lawful and sufficient accusers; which at the 'time of Arraignment of the parties so accused, 'if they be then living, shall be brought in person before the said party accused, and avow 'and maintain that they have to say against 'the said party, to prove him guilty of the 'Treasons or offence contained in the Bill of 'Indictment laid against the party arraigned, 'unless the said party arraigned shall be willing without violence to confess the same.'—Here note I pray you, that our law doth require two lawful and sufficient Accusers to be brought face to face, and Vaughan is but one, and the same most unlawful and insufficient; for who can be more unlawful and insufficient than a condemned man, and such one as knoweth to accuse me is the mean to save his own life? Remember, I pray you, now long and how many times Vaughan's execution hath been respited, and how often he hath been conjured to accuse, (which by God's grace he withstood until the last hour) what time perceiving there was no way to live, but to speak against me or some other, his former grace being taken away, did redeem his life most unjustly and shamefully, as you see.

Hare. Why should he accuse you more than any other, seeing there was no displeasure betwixt you, if the matter had not been true?

Throckmorton. Because he must either speak of some man, or suffer death; and then he did rather choose to hurt him he did least know, and so loved least, than any other well known to him, whom he loved most. But to you of my Jury I speak especially, and therefore I pray you note what I say: In a matter of less weight than trial of life and land, a man may by the law take Exceptions to such as be impanneled, to try the controversies betwixt the parties: as for example, a man may challenge that the sheriff is his enemy, and therefore hath made a partial return, or because one of the jury is the sheriff my adversary's servant; and also in case my adversary's villain or bondman be empanneled, I may lawfully challenge him, because the adversary part hath power over his villain's lands and goods, and hath the use of his body for servile office: much more I may of right take exception to Vaughan's Testimony, my life and all that I have depending thereupon; and the same Vaughan being more bound to the queen's highness, than my adversary, (that woe is me therefore, but so the law doth here so term her majesty) than any villian is to his lord; for her highness hath not only power over his body, lands, and goods, but over his life also.

Stanford. Yea, the exceptions are to be taken against the Jury in that case; but not

against the witness or accuser, and therefore your argument serveth little for you.

Throckmorton. That is not so, for the use of the Jury, and the witness, and the effect of their doings doth serve me to my purpose, as the law shall discuss. And thus I make my comparison: by the civil law the judge doth give Sentence upon the Depositions of the witness, and by your law the Judge doth give Judgment upon the verdict of the Jury, so as the effect is both one to finish the matter, trial in law, as well by the depositions of the witness, as by the jury's verdict, though they vary in form and circumstance; and so Vaughan's testimony being credited, may be the material cause of my condemnation, as the jury may be induced by his deposition to speak their verdict, and so finally thereupon the judge to give sentence. Therefore I may use the same exceptions against the jury, or any of them, as the principal mean, that shall occasion my condemnation.

Bromley. Why, do you deny, that every part of Vaughan's tale is untrue?

Attorney. You may see he will deny all, and say there was no such communication betwixt them.

Throckmorton. I confess some part of Vaughan's Confession to be true, as the name, the places, the time, and some part of the matter.

Attorney. So you of the Jury may perceive the prisoner doth confess something to be true.

Throckmorton. As touching my sending to sir Peter Caroe, or his sending to me, or concerning my advice to Mr. Wyat to stir, or to repair hither, or touching the earl of Devon parting hence, and my going with him, and also concerning the matter of the earl of Pembroke, I do avow and say that Vaughan hath said untruly.

Southwell. As for my lord of Pembroke, you need not excuse the matter, for he hath shewed himself clear in these matters like a nobleman, and that we all know.

Hare. Why what was the talk betwixt Vaughan and you so long in Paul's, if these were not so, and what meant your oft meetings?

Throckmorton. As for our often meetings, they were of no set purpose, but by chance, and yet no oftener than twice; but sithence you would know what communication passed betwixt us in Paul's church, I will declare. We talked of the incommodities of the Marriage of the queen with the prince of Spain, and how grievous the Spaniards would be to us here. Vaughan said, that it should be very dangerous for any man that truly professed the gospel to live here, such was the Spaniards cruelty, and especially against christian men. Whereunto I answered, it was the plague of God come justly upon us; and now Almighty God dealt with us, as he did with the Israelites, taking from them for their unthankfulness their godly kings, and did send tyrants to reign over them; even so he handled us Englishmen, which had a most godly and virtuous prince to reign over us, my late sovereign lord and master king Edward, under whom we might both safely and lawfully profess God's word; which with our lewd doings, demeanor, and living, we handled so irreverently, that to whip us for our faults, he would send us strangers, yea such very tyrants to exercise great tyranny over us, and did take away the virtuous and faithful king from amongst us; for every man of every estate did colour his naughty affections with a pretence of religion, and made the gospel a stalking horse to bring their evil desires to effect. This was the sum of our talk in Paul's, somewhat more dilated.

Stanford. That it may appear yet more evidently how Throckmorton was a principal doer and counsellor in this matter, you shall hear his own Confession of his own hand writing. The Clerk did begin to read; Throckmorton desired master Stanford to read it, and the Jury well to mark it. Then master Stanford did read the prisoner's own Confession to this effect, That Throckmorton had conference with Wyat, Caroe, Croftes, Rogers, and Warner, as well of the queen's Marriage with the prince of Spain, as also of Religion, and did particularly confer with every the forenamed of the matters aforesaid. Moreover, with sir Thomas Wyat, the prisoner talked of the bruit, that the Western Men should much mislike the coming of the Spaniards into this realm, being reported also that they intended to interrupt their arrival here. And also that it was said, that they were in consultation about the same at Exeter. Wyat also did say, that sir Peter Caroe could not bring the same matter to good effect, nor was there any man so meet to bring it to good effect, as the earl of Devon; and especially in the west country, in as much as they did not draw all by one line. Then Throckmorton asked how the Kentishmen were affected to the Spaniards? Wyat said, the people like them evil enough, and that appeared now at the coming of the count Egmont, for they were ready to stir against him and his train, supposing it had been the prince; but said Wyat, sir Robt. Southwell, master Baker, and master Moyle, and their affinity, which be in good credit in some places of the shire, will for other malicious respects hinder the liberty of their country. Then Throckmorton should say, though I know there hath been an unkindness betwixt master Southwell and you for a money matter, wherein I travelled to make you friends, I doubt not, but in so honest a matter as this is, he will for the safeguard of his country join with you, and so you may be sure of the lord Burgainey and his force. Then Wyat said, it is for another matter than for money that we disagree, wherein he hath handled me and others very doubly and unneighbourly; howbeit, he can do no other, neither to me, nor to any other man, and therefore I forgive him. Item, with sir Peter Caroe, Throckmorton had conference touching the impeachment of the landing of the said

prince, and touching provision of armour and ammunition, as ensueth; that is to say, that sir Peter Caroe told Throckmorton, that he trusted his countrymen would be true Englishmen, and would not agree to let the Spaniards to govern them. Item, the said sir Peter Caroe said, the matter importing the French king as it did, he thought the French king would work to hinder the Spaniards coming hither, with whom the said sir Peter did think good to practise for armour, ammunitions and money. Then Throckmorton did advise him to beware that he brought any Frenchmen into the realm forceably, in as much as he could as evil abide the Frenchmen after that sort as the Spaniards. And also Throckmorton thought the French king unable to give aid to us, by means of the great consumption in their own wars. Master Caroe said, as touching the bringing in of Frenchmen, he meant it not, for he loved neither party, but to serve his own country, and to help his country from bondage; declaring further to Throckmorton, that he had a small bark of his own to work his practise by; and so he said, that shortly he intended to depart to his own country to understand the devotion of his countrymen. Item, Throckmorton did say, he would for his part hinder the coming in of the Spaniards as much as he could by persuasion. Item, to sir Edw. Warner, he had and did bemoan his own estate, and the tyranny of the time extended upon divers honest persons for religion, and wished it were lawful for all of each religion to live safely according to their conscience; for the law, *ex officio*, will be intolerable, and the clergy's discipline now may rather be resembled to the Turks tyranny, than to the teaching of Christian religion. This was the sum of the matter, which was read in the foresaid confession, as matters most grievous against the prisoner. Then Throckmorton said, sithence Mr. Serjeant you have read and gathered the place as you think, that maketh most against me, I pray you take the pains, and read further, that hereafter whatsoever become of me, my words be not perverted and abused to the hurt of some others, and especially against the great personages, of whom I have been sundry times (as appeareth by my answers) examined; for I perceive the net was not cast only for little fishes, but for the great ones, *juxta adagium*.

Stanford. It shall be but loss of time, and we have other things to charge you withall, and this that you desire doth make nothing for you.

Dyer. And for the better confirmation of all the Treasons objected against the prisoner, and therein to prove him guilty, you of the Jury shall hear the duke of Suffolk's Depositions against him, who was a principal, and hath suffered accordingly. Then the said Serjeant read the duke's Confession touching the prisoner, amounting to this effect; That the lord Thomas Grey did inform the said duke, that sir Nich. Throckmorton was privy to the whole devices against the Spaniards, and was one that should go into the West-country with the earl of Devonshire.

Throckmorton. But what doth the principal author of this matter say against me, I mean the lord Thomas Grey, who is yet living? Why is not his Deposition brought against me, for so it ought to be, if he can say any thing? Will you know the truth? Neither the lord Tho. Grey hath said, can say, or will say any thing against me, notwithstanding the duke his brother's Confession and Accusation, who hath affirmed many other things besides the truth. I speak not without certain knowledge: for the lord Thomas Grey, being my prison-fellow for a small time, informed me, that the duke his brother had misreported him in many things, amongst others in matters touching me, which he had declared to you Mr. Southwell, and other the examiners not long ago. I am sure if the lord Thomas could or would have said any thing, it should have been here now: And as to the duke's Confession, it is not material, for he doth refer the matter to the lord Thomas's report, who hath made my purgation.

Attorney. And it please you my Lords, and you my masters of the Jury, besides these matters touching Wyat's Rebellion, sir Peter Caroe's Treasons, and confederating with the duke of Suffolk; and besides the prisoner's Conspiracy with the earl of Devon, with Crofts, Rogers, Warner, and sundry others in sundry places, it shall manifestly appear unto you, that Throckmorton did conspire the queen's majesty's Death with Wm. Thomas, sir Nich. Arnold, and other Traitors intending the same; which is the greatest matter of all others, and most to be abhorred; and for the proof hereof you shall hear what Arnold saith. Then was sir Nich. Arnold's Confession read, affirming that Throckmorton shewed unto him, riding betwixt Hinam and Crosse Laund in Gloucestershire, that John Fitzwilliams was very much displeased with William Thomas.

Attorney. Wm. Thomas devised, that John Fitzwilliams should kill the queen; and Throckmorton knew of it, as appeareth by Arnold's Confession.

Throckmorton. First, I deny that I said any such thing to Mr. Arnold; and though he be an honest man, he may either forget himself, or devise means how to unburthen himself of so weighty a matter as this is; for he is charged with the matter as principal, which I did perceive when he charged me with his tale; and therefore I do blame him the less, that he seeketh how to discharge himself, using me as a witness, if he could so transfer the device to Wm. Thomas. But truly, I never spake any such words unto him; and for my better Declaration, I did see John Fitzwilliams here even now, who can testify, that he never shewed me of any displeasure betwixt them: and as I know nothing of the displeasure betwixt them, so I know nothing of the cause. I pray you, my lords, let him be called to depose in this matter what he can.

Then John Fitzwilliams drew to the bar,

and presented himself to depose his knowledge in the matter in open court.

Attorney. I pray you, my lords, suffer him not to be sworn, neither to speak; we have nothing to do with him.

Throckmorton. Why should he not be suffered to tell truth? And why be ye not so well contented to hear truth for me, as untruth against me?

Hare. Who called you hither, Fitzwilliams, or commanded you to speak? you are a very busy officer.

Throckmorton. I called him, and do humbly desire that he may speak and be heard as well as Vaughan, or else I am not indifferently used; especially seeing master Attorney doth so press this matter against me.

Southwell. Go you ways Fitzwilliams, the court hath nothing to do with you; peradventure you would not be so ready in a good cause.

Then John Fitzwilliams departed the court, and was not suffered to speak.

Throckmorton. Since this gentleman's Declaration may not be admitted, I trust you of the Jury can perceive, it was not for any thing he had to say against me; but contrarywise, that it was feared he would speak for me. And now to master Arnold's Depositions against me, I say I did not tell him any such words; so as if it were material, there is but his yea and my nay. But because the words be not sore strained against me, I pray you, master Attorney, why might not I have told master Arnold, that John Fitzwilliams was angry with Wm. Thomas, and yet know no cause of the anger? it might be understood, to disagree oftentimes. Who doth confess that I know any thing of Wm. Thomas's device touching the queen's Death? I will answer, no man: for master Arnold doth mention no word of that matter, but of the displeasures betwixt them; and to speak that, doth neither prove Treason, nor knowledge of Treason. Is here all the Evidence against me that you have to bring me within the compass of the Indictment.

Stanford. Methink the matters confessed by others against you, together with your own confession, will weigh shrewdly. But how say you to the Rising in Kent, and to Wyat's attempt against the queen's royal person at her palace?

Bromley. Why do you not read Wyat's Accusation to him, which doth make him partner to his Treasons?

Southwell. Wyat has grievously accused you, and in many things that others have confirmed.

Throckmorton. Whatsoever Wyat hath said of me in hope of his life, he unsaid it at his death. For since I came into this Hall, I heard one say (but I know him not) that Wyat, upon the scaffold, did not only purge my lady Elizabeth her grace, and the earl of Devonshire, but also all the gentlemen in the Tower, saying, they were all ignorant of the stir and commotion; in which number I take myself.

Hare. Notwithstanding he said, all that he had written and confessed to the council, was true.

Throckmorton. Nay, sir, by your patience, master Wyat said not so, that was master doctor's Addition.

Southwell. It appeareth you have added good intelligence.

Throckmorton. Almighty God provided that revelation for me this day since I came hither: for I have been in close prison these 58 days, where I heard nothing but what the birds told me, which did fly over my head. And now to you of my Jury I speak especially, whom I desire to mark attentively, what shall be said: I have been indicted, as it appeareth, and now am arraigned of compassing the queen's majesty's death, of levying war against the queen, of taking the Tower of London, of deposing and depriving the queen of her royal estate, and finally to destroy her, and of adherence to the queen's enemies. Of all which Treasons, to prove me guilty, the queen's learned council hath given in Evidence these points material: that is to say, for the compassing or imagining the queen's death, and the destruction of her royal person, sir Nich. Arnold's Depositions; which is, that I should say to the said sir Nicholas in Gloucestershire, that master John Fitzwilliams was angry with Wm. Thomas. Whereunto I have answered, as you have heard, both denying the matter; and for the proof on my side, do take exception, because there is no witness but one. And nevertheless, though it were granted, the Depositions prove nothing concerning the queen's death. For levying of war against the queen, there is alledged my conference with sir Tho. Wyat, sir James Crofts, sir Edw. Rogers, sir Edw. Warner, against the Marriage with Spain, and the coming of the Spaniards hither; which talk I do not deny in sort as I spake it, and meant it; and notwithstanding the malicious gathering this day of my conference, proveth yet no levying of war. There is also alledged for proof of the same Article, sir James Croft's Confession, which as you remember implieth no such thing, but general talk against the Marriage with Spain, and of my departing westward with the earl of Devon, which the said James doth not avow, and therefore I pray you consider it as not spoken. There is also for proof of the said article, the duke of Suffolk's Confession, with whom I never had conference; and therefore he avouched the tale of his brother's mouth, who hath made my purgation in those matters, and yet if the matter were proved, they be not greatly material in law. There is also alledged for the further proof of the same Article, and for deposing and depriving the queen of her royal estate, and for my adhering to the queen's enemies, Cuthbert Vaughan's Confession, whose testimony I have sufficiently disproved by sundry authorities and circumstances, and principally by your own law, which doth require two lawful and sufficient witnesses to be brought face to face. Also

for the taking of the Tower of London, there is alledged Winter's Depositions, which utter-eth my misliking, when he uttereth unto me sir Thomas Wyat's resolution and device for attempting of the said peace. And last of all, to enforce these matters, mine own Confession is engrieved greatly against me, wherein there doth appear neither Treason, neither concealment of Treason, neither whispering of Treason, nor procurement of Treason. And for as much as I am come hither to be tried by the law, though my innocency of all these points material objected, be apparent to acquit me, whereunto I do principally cleave; yet I will for your better credit and satisfactions shew you evidently, that if you would believe all the Depositions laid against me, which I trust you will not do, I ought not to be attainted of the Treason comprised within my Indictment, considering the Statute of Repeal the last parliament, of all Treasons, other than such as be declared in the 25th year of king Edward 3d; both which Statutes I pray you my lords may be read here to the inquest.

Bromley. No, for there shall be no books brought at your desire; we know the law sufficiently without book.

Throckmorton. Do you bring me hither to try me by the law, and will not shew me the law? What is your knowledge of the law to these men's satisfactions, which have my trial in hand? I pray you, my lords, and my lords all, let the statutes be read, as well for the queen, as for me.

Stanford. My lord chief justice can shew the law, and will, if the Jury do doubt of any point.

Throckmorton. You know it were indifferent that I should know and hear the law whereby I am adjudged; and forasmuch as the Statute is in English, men of meaner learning than the Justices, can understand it, or else how should we know when we offend?

Hare. You know not what belongeth to your case, and therefore we must teach you: it appertaineth not to us to provide books for you, neither sit we here to be taught of you; you should have taken better heed to the law before you had come hither.

Throckmorton. Because I am ignorant, I would learn, and therefore I have more need to see the law, and partly as well for the instructions of the Jury, as for my own satisfaction, which methink, were for the honour of this presence. And now if it please you my lord chief justice, I do direct my speech specially to you. What time it pleased the queen's majesty, to call you to this honourable office, I did learn of a great personage of her highness's privy council, that amongst other good instructions, her majesty charged and enjoined you to minister the law and justice indifferently without respect of persons. And notwithstanding the old error amongst you, which did not admit any witness to speak, or any other matter to be heard in the favour of the adversary, her majesty being party, her highness's pleasure was, that whatsoever could be brought in the favour of the subject, should be admitted to be heard. And moreover, that you specially, and likewise all other justices, should not persuade themselves to sit in judgment otherwise for her highness, than for her subject. Therefore this manner of indifferent proceeding being principally enjoined by God's commandment, which I had thought partly to have remembered you and others here in commission in the beginning, if I might have had leave; and the same also being commanded you by the queen's own mouth, methink you ought of right to suffer me to have the statutes read openly, and also to reject nothing that could be spoken in my defence: and in thus doing you shall shew yourselves worthy ministers, and fit for so worthy a mistress.

Bromley. You mistake the matter, the queen spake those words to master Morgan chief justice of the Common Pleas; but you have no cause to complain, for you have been suffered to talk at your pleasure.

Hare. What would you do with the Statute-Book? the Jury doth not require it, they have heard the Evidence, and they must upon their conscience try whether you be guilty or no, so as the book needeth not: if they will not credit the Evidence so apparent, then they know what they have to do.

Cholmley. You ought not to have any books read here at your appointment, for where doth arise any doubt in the law, the judges sit here to inform the court; and now you do but spend time.

Attorney. I pray you my lord chief justice repeat the Evidence for the queen, and give the Jury their Charge, for the prisoner will keep you here all day.

Bromley. How say you, have you any more to say for yourself?

Throckmorton. You seem to give and offer me the law, but in very deed I have only the form and the image of the law; nevertheless, since I cannot be suffered to have the statutes read openly in the Book, I will by your patience guess at them, as I may, and I pray you to help me if I mistake, for it is long since I did see them. The Statute of Repeal made the last parliament hath these words, 'Be it 'enacted by the queen, that from henceforth 'none act, deed, or offence, being by act of 'parliament or statute made Treason, Petit 'Treason, or Misprision of Treason, by words, 'writing, printing, ciphering, deeds, or other-'wise whatsoever, shall be taken, had, deem-'ed, or adjudged Treason, Petit Treason, but 'only such as be declared, or expressed to be 'Treason, in or by an act of parliament made 'in the 25th year of Edward 3d, touching and 'concerning Treasons, and the Declarations of 'Treasons, and none other.' Here may you see this statute doth refer all the offences aforesaid, to the statute of the 25th of Edward 3d, which statute hath these words touching and concerning the Treasons that I am indicted and arraigned of; that is to say, 'Whosoever

'doth compass or imagine the death of the 'king, or levy war against the king in his realm, 'or being adherent to the king's enemies with-'in this realm, or elsewhere, and be thereof 'probably attainted by open deed by people of 'their condition, shall be adjudged a Traitor.' Now I pray you of my Jury which have my life in trial, note well what things at this day be Treasons, and how these Treasons must be tried and discerned, that is to say, by open deed, which the laws doth at some time term *overt act*. And now I ask, notwithstanding my Indictment, which is but matter alledged, where doth appear the open deed of any compassing or imagining the queen's death; or where doth appear any open deed of being adherent to the queen's enemies, giving to them aid and comfort; or where doth appear any open deed of taking the Tower of London?

Bromley. Why do not you of the Queen's learned counsel answer him? Methink Throckmorton, you need not to have the Statutes, for you have them meetly perfectly.

Stanford. You are deceived, to conclude all Treasons by the statute of the 25th of Edw. the 3rd; for that Statute is but a Declaration of certain Treasons, which were Treasons before at the common law. Even so there doth remain divers other treasons at this day at the common law, which be not expressed by that statute, as the Judges can declare. Nevertheless, there is matter sufficient alledged and proved against you to bring you within the compass of the same statute.

Throckmorton. I pray you express those matters that bring me within the compass of the Statute of Edw. the 3rd; for the words be these, 'And be thereof attainted by open deed by people of like condition.'

Bromley. Throckmorton, you deceive yourself, and mistake these words, 'by people of their condition;' for thereby the law doth understand the discovering of your treasons. As for example, Wyat and the other rebels, attained for their great treasons, already declare you to be his and their adherent, in as much as divers and sundry times you had conference with him and them about the treason; so as Wyat is now one of your condition; who as the world knoweth, hath committed an open traiterous fact.

Throckmorton. By your leave, my lord, this is a very strange and singular understanding. For I suppose the meaning of the law-makers did understand these words, 'By people of their condition,' of the state and condition of those persons which should be on the inquest to try the party arraigned, guilty or not guilty, and nothing to the bewraying of the offence by another man's act as you say: for what have I to do with Wyat's acts, that was not nigh him by 100 miles?

Attorney. Will you take upon you to skill better of the law than the Judges? I doubt not but you of the Jury will credit as it becometh you.

Cholmley. Concerning the true understanding of these words, 'By people of their condition,' my lord chief justice here hath declared the truth; for Wyat was one of your condition, that is to say, of your conspiracy.

Hare. You do not deny, Throckmorton, but that there hath been conference, and sending between Wyat and you, and he and Winter doth confess the same, with others; so as it is plain, Wyat may well be called one of your condition.

Throckmorton. Well, seeing you my Judges rule the understanding of these words in the Statute, 'By people of your condition,' thus strangely against me, I will not stand longer upon them. But where doth appear in me an open deed, whereunto the Treason is specially referred?

Bromley. If three or four do talk, devise, and conspire together of a traiterous act to be done, and afterwards one of them doth commit Treason, as Wyat did; then the law doth repute them, and every of them as their acts; so as Wyat's acts do imply and argue your open deed, and so the law doth term it and take it.

Throckmorton. These be marvellous expositions, and wonderful implications, that another man's act, whereof I was not privy, should be accounted mine; for Wyat did purge me that I knew nothing of his stir.

Hare. Yea, Sir, but you were a principal procurer and contriver of Wyat's Rebellion, though you were not with him when he made the stir. And as my lord here hath said, the law always doth adjudge him a traitor, which was privy and doth procure treason, or any other man to commit treason, or a traiterous act, as you did Wyat, and others; for so the overt act of those which did it by your procurement, shall in this case be accounted your open deed. We have a common case in the law, if one by procurement should disseise you of your land, the law holdeth us both wrong doers, and giveth remedy as well against the one as the other.

Throckmorton. For God's sake apply not such constructions against me; and though my present estate doth not move you, yet it were well you should consider your office, and think what measure you give to others, you yourselves I say shall assuredly receive the same again. The state of mortal life is such, that men know full little what hangeth over them. I put on within this 12 months such a mind, that I, most woeful wight, was as unlike to stand here, as some of you that sit there. As to your case last recited, whereby you would conclude, I have remembered and learned of you master Hare, and you master Stanford in the Parliament House, where you did sit to make laws, to expound and explain the ambiguities and doubts of law sincerely, and that without affections: There I say, I learned of you, and others my masters of the law, this difference betwixt such cases as you remembered one even now, and the Statute whereby I am to be tried. There is a Maxim or principle in the law, which ought not to be violated,

'That no penal Statute may, ought, or should be construed, expounded, extended, or wrested, otherwise than the simple words and nude letter of the same statute doth warrant and signify.' And amongst divers good and notable reasons by you there in the Parliament House debated, master Serjeant Stanford, I noted this one, why the said Maxim ought to be inviolable: you said, considering the private affections many times both of princes and ministers within this realm, for that they were men, and would and could err, it should be no security, but very dangerous to the subject, to refer the construction, and extending of penal statutes to any judge's equity, as you termed it, which might either by fear, of the higher powers be seduced, or by ignorance and folly abused. And that is an answer by procurement.

Bromley. Notwithstanding the principle, as you alledge it, and the preciseness of your sticking to the bare words of the Statute, it doth appear and remain of record in our learning, that divers cases have been adjudged Treason, without the express words of the statute, as the queen's learned council there can declare.

Attorney. It doth appear, the prisoner did not only intice or procure Wyat, Caroe, Rogers, and others, to commit their traiterous acts, and there doth his open facts appear, which Vaughan's Confession doth witness; but also he did mind shortly after to associate himself with those traitors; for he minded to have departed with the earl of Devonshire westward.

Throckmorton. My innocency concerning these matters, I trust, sufficiently appeareth by my former Answers, notwithstanding the condemned man's unjust Accusation. But because the true understanding of the Statute is in question; I say, procurement, and specially by words only, is without the compass of it: and that I do learn and prove by the principle which I learned of master Stanford.

Stanford. Master Throckmorton, you and I may not agree this day in the understanding of the law, for I am for the queen, and you speak for yourself: the Judges must determine the matter.

Bromley. He that doth procure another man to commit a felony or a murder, I am sure you know well enough, the law doth adjudge the procurer there, a felon or a murderer; and in case of Treason, it hath been always so taken and reputed.

Throckmorton. I do and must cleave to my innocency, for I procured no man to commit Treason; but yet for my learning I desire to hear some case so ruled, when the law was as it is now. I do confess it, that at such time there were Statutes provided for the procurer, counsellor, aider, abettor, and such like, as there were in king Henry 8th's time, you might lawfully make this cruel construction, and bring the procurer within the compass of the law. But these statutes being repealed, you ought not now so to do; and as to the principal procurer in felony and murder, it is not like as in Treason, for the principal and accessaries in felony and murder be triable and punishable by the common law; and so in those cases the Judges may use their equity, extending the determination of the fault as they think good: but in Treason it is otherwise, the same being limited by Statute Law, which I say and avow is restrained from any Judge's construction by the Maxim that I recited.

Stanford. Your lordships do know a case in Rd. 3's time, where the procurer to counterfeit false money, was judged a Traitor, and the law was as it is now.

Hare. Master Serjeant doth remember you Throckmorton, of an experience before our time, that the law hath been so taken, and yet the procurer was not expressed in the statute, but the law hath been always so taken.

Throckmorton. I never studied the law, whereof I do much repent me; yet I remember, whilst Penal Statutes were talked of in the Parliament-House, you the learned men of the house remembered some Cases contrary to this last spoken of. And if I misreport them, I pray you help me. In the like case you speak of concerning the procurer to counterfeit false Money, at one time the procurer was judged a felon, and at another time neither felon nor traitor; so as some of your predecessors adjudged the procurer no traitor in the same case, but leaned to their principle, though some other extend their constructions too large. And here is two cases with me, for one against me.

Bromley. Because you reply so sore upon the principle, I will remember, where one taking the Great Seal of England from one writing, and putting it to another, was adjudged a Traitor in Henry 4's time, and yet his act was not within the express words of the Statute of Edw. the third. There be divers other such like cases that may be alledged and need were.

Throckmorton. I pray you my Lord Chief Justice, call to your good remembrance, that in the self same case of the Seal (*a*), Justice Spilman, a grave and well learned man, since that time, would not condemn the offender, but did reprove that former Judgment by you last remembered, as erroneous.

Stanford. If I had thought you had been so well furnished with Book Cases I would have been better provided for you.

Throckmorton. I have nothing but I learned of you specialy master Serjeant, and of others my masters of the law in the Parliament House; and therefore I may say with the prophet, *Salutem ex inimicis nostris.*

Southwell. You have a very good memory.

Attorney. If the prisoner may avoid his Treasons after this manner the queen's surety shall be in great jeopardy. For Jack Cade, the Blacksmith, and divers other Traitors, sometime alledging the law for them, sometime they meant no harm to the king, but against his

(*a*) See Leak's Case, Kel. Rep.

counsel; as Wyat, the duke of Suffolk, and these did against the Spaniards, when there was no Spaniards within the realm. The duke and his brethren did mistake the law, as you do, yet at length did confess their ignorance, and submitted themselves. And so were you best to do.

Throckmorton. As to Cade and the Blacksmith, I am not so well acquainted with their Treasons as you be; but I have read in the Chronicle, they were in the field with a force against the prince, whereby a manifest act did appear. As to the duke of Suffolk's doings, they appertain not to me. And though you would compare my speech and talk against the Spaniards, to the duke's acts, who assembled a force in arms, it is evident they differ much: I am sorry to engrieve any other mans doings; but it serveth me for a piece of my Defence, and therefore I wish that no man should gather evil of it. God forbid that words and acts be thus confounded.

Attorney. Sir W. Stanley used this shift that the prisoner useth now, he said he did not levy war against king Henry 7th, but said to the duke of Buckingham, that in a good quarrel he would aid him with 500 men: and nevertheless Stanley was for those words attainted, who as all the world knoweth, had before that time served the king very faithfully and truly *(b)*.

Throckmorton. I pray you master Attorney do not conclude me by blind contraries. Whether you alledge Stanley's Case truly or no, I know not. But admit it be as you say, what doth this prove against me? I promised no aid to master Wyat, nor to any other. The duke of Buckingham levied war against the king, with whom Stanley was confederate so to do, as you say.

Attorney. I pray you, my lords that be the queen's Commissioners, suffer not the prisoner to use the queen's learned counsel thus; I was never interrupted thus in my life, nor I never knew any thus suffered to talk, as this prisoner is suffered: some of us will come no more at the bar, and we be thus handled.

Bromley. Throckmorton, you must suffer the queen's learned counsel to speak, or else we must take order with you; you have had leave to talk at your pleasure.

Hare. It is proved that you did talk with Wyat against the coming of the Spaniards, and devised to interrupt their arrival, and you promised to do what you could against them: whereupon Wyat being encouraged by you, did levy a force, and attempted war against the queen's royal person.

Throckmorton. It was no treason, nor no procurement of treason, to talk against the coming hither of the Spaniards, neither it was treason for me to say, I would hinder their coming hither as much as I could, understanding me rightly as I meant it; yea though you would extend it to the worst, it was but words, it was not treason at this day as the law standeth; and as for Wyat's doings, they touch me nothing, for at his death, when it was no time to report untruly, he purged me.

Bromley. By sundry cases remembered here by the queen's learned counsel, as you have heard, that procurement which did appear no otherwise but by words, and those you would make nothing, hath been of long time, and by sundry well learned men in the laws adjudged Treason. And therefore your procurement being so evident as it is, we may lawfully say it was Treason, because Wyat performed a traiterous act.

Throckmorton. As to the said alledged four precedents against me, I have recited as many for me, and I would you my Lord Chief Justice should incline your judgments rather after the example of your honourable predecessors, justice Markham, and others, which did eschew corrupt judgments, judging directly and sincerely after the law, and the principles in the same, than after such men, as swerving from the truth, the maxim, and the law, did judge corruptly, maliciously, and affectionately.

Bromley. Justice Markham had reason to warrant his doings; for it did appear, a merchant of London was arraigned and slanderously accused of Treason for compassing and imagining the king's Death, he did say 'he would make his son heir of the Crown,' and the merchant meant it of a House in Cheapside at the sign of the Crown; but your Case is not so.

Throckmorton. My case doth differ, I grant, but specially because I have not such a Judge: yet there is another cause to restrain these your strange and extraordinary constructions; that is to say, a Proviso in the latter end of the Statute of Edw. 3. having these words: 'Provided always, if any other case of supposed 'Treason shall chance hereafter to come in 'question or trial before any justice, other than 'is in the said statute expressed, that then the 'justice shall forbear to adjudge the said case, 'until it be shewed to the Parliament to try, 'whether it should be Treason or Felony.' Here you are restrained by express words to adjudge any case that is not manifestly mentioned before, and until it be shewed to the Parliament.

Portman. That Proviso I understand of cases, that may come in trial, which hath been in ure, but the law hath always taken the Procurer to be a principal offender.

Sanders. The law always in cases of Treason doth account all principals, and no accessaries as in other offences; and therefore a man offending in Treason, either by covert act or procurement, whereupon an open deed hath ensued, as in this case, is adjudged by the law a principal traitor.

Throckmorton. You adjudge, methink, procurement very hardly, besides the principal, and besides the good example of your best and most godly learned predecessors, the Judges of the realm, as I have partly declared; and notwithstanding this grievous racking and extending of this word procurement, I am not in the danger of it, for it doth appear by no Deposition, that

(b) See No. 25, p. 277.

I procured neither one nor other to attempt any act.

Stanford. The Jury have to try, whether it be so or no, let it weigh as it will.

Hare. I know no mean so apparent to try Procurement as by words, and that mean is probable enough against you, as well by your own Confession, as by other men's Depositions.

Throckmorton. To talk of the queen's Marriage with the prince of Spain, and also the coming hither of the Spaniards, is not to procure Treason to be done; for then the whole Parliament house, I mean the Common house, did procure Treason: but since you will make no difference betwixt words and acts, I pray you remember a Statute made in my late sovereign lord and master's time, king Edward the 6th, which apparently expresseth the difference; these be the words: 'Whosoever doth compass, or imagine to depose the king of his royal estate by open preaching, express words or sayings, shall for the first offence lose and forfeit to the king all his and their goods and chattels, and also shall suffer imprisonment of their bodies at the king's will and pleasure. Whosoever, &c. for the second offence shall lose and forfeit to the king the whole issues and profits of all his or their lands, tenements, and other hereditaments, benefices, prebends, and other spiritual promotions. Whosoever, &c. for the third offence, shall for term of life or lives of such offender or offenders, &c. and shall also forfeit to the king's majesty all his or their goods and chattels, and suffer during his or their lives perpetual imprisonment of his or their bodies. But whosoever, &c. by writing, cyphering, or act, shall for the first offence be adjudged a Traitor, and suffer the pains of death.' Here you may perceive how the whole realm and all your judgments hath before this understood words and acts, diversly and apparently; and therefore the judgments of the parliament did assign diversity of punishments, because they would not confound the true understanding of words and deeds, appointing for compassing and imagining by word, imprisonment; and for compassing and imagining by open deed, pains of death.

Bromley. It is agreed by the whole Bench, that the Procurer and the Adherent be deemed always traitors, when as a traiterous act was committed by any one of the same conspiracy; and there is apparent proof of your adhering to Wyat, by your own confession and other ways.

Throckmorton. Adhering and procuring be not all one; for the statute of Edw. 3 doth speak of adhering, but not of procuring, and yet adhering ought not to be further extended, than to the queen's enemies within her realm, for so the statute doth limit the understanding. And Wyat was not the queen's enemy, for he was not so reputed, when I talked with him last; and our speech implied no enmity, neither tended to any treason, or procuring of treason: and therefore I pray you of the jury note, though I argue the law, I alledge my innocency, as the best part of my defence.

Hare. Your adhering to the queen's enemies within the realm is evidently proved: for Wyat was the queen's enemy within the realm, as the whole realm knoweth it, and he hath confessed it, both at his Arraignment and at his Death.

Throckmorton. By your leave, neither Wyat at his Arraignment, nor at his Death, did confess, that he was the queen's enemy, when I talked last with him, neither he was reputed nor taken in 14 days after, until he assembled a force in arms, what time I was at your house, master Inglefield, where I learned the first intelligence of Wyat's stir. And I ask you, who doth depose that there passed any manner of advertisement betwixt Wyat and me, after he had discovered his doings, and shewed himself an enemy? If I had been so disposed, who did let me, that I did not repair to Wyat, or to send to him, or to the duke of Suffolk either, who was in mine own country? and thither I might have gone and conveyed myself with him, unsuspected for my departing homewards.

Inglefield. It is true that you were there at my house, accompanied with others your brethren, and, to my knowledge, ignorant of these matters.

Bromley. Throckmorton, you confessed you talked with Wyat and others against the coming of the Spaniards, and of the taking of the Tower of London; whereupon Wyat levied a force of men against the Spaniards he said, and so you say all, but indeed it was against the queen, which he confessed at length: therefore Wyat's acts do prove you counsellor and procurer, howsoever you would avoid the matter.

Throckmorton. Methink you would conclude me with a mishapen argument in logick, and you will give me leave, I will make another.

Stanford. The judges sit not here to make disputations, but to declare the law, which hath been sufficiently done, if you would consider it.

Hare. You have heard reason and the law, if you will conceive it.

Throckmorton. Oh merciful God! Oh eternal Father, which seest all things, what manner of proceedings are these? To what purpose serveth the Statute of Repeal the last parliament, where I heard some of you here present, and divers other of the queen's learned council grievously inveigh against the cruel and bloody laws of king Henry 8th, and against some laws made in my late sovereign lord and master's time, king Edw. 6th.? Some termed them Draco's Laws, which were written in blood (*a*): some said they were more intolerable than any laws, that Dionysius or any other tyrant made. In conclusion, as many men, so many bitter terms and names those laws had. And moreover, the preface of the same Statute doth recite, that for words only,

(*a*) Sec 1 Cobb. Parl. Hist. p. 608.

many great personages, and others of good behaviour, hath been most cruelly cast away by these former sanguinolent thirsty laws, with many other suggestions for the repeal of the same. And now let us put on indifferent eyes, and thoroughly consider with ourselves, as you the Judges handle the constructions of the statute of Edw. 3d, with your equity and extensions, whether we be not in much worse case now than we were when those cruel laws yoked us. These laws albeit they were grievous and captious, yet they had the very property of a law after St. Paul's description: for those laws did admonish us, and discover our sins plainly unto us; and when a man is warned, he is half armed. These laws, as they be handled, be very baits to catch us, and only prepared for the same, and no laws; for at the first sight they ascertain us we be delivered from our old bondage, and by the late repeal of the last parliament we live in more security. But when it pleaseth the higher powers to call any man's life and sayings in question, then there be constructions, interpretations, and extensions reserved to the justices and judges equity, that the party tryable, as I am now, shall find himself in much worse case, than before when those cruel laws stood in force. Thus our amendment is from God's blessing into the warm sun; but I require you honest men, which are to try my life, consider these opinions of my life: judges be rather agreeable to the time, than to the truth; for their judgments be repugnant to their own principle, repugnant to their godly and best learned predecessors opinions, repugnant, I say, to the Proviso in the Statute of Repeal made in the last parliament.

Attorney. Master Throckmorton, quiet yourself, and it shall be the better for you.

Throckmorton. Master Attorney, I am not so unquiet as you be, and yet our cases are not alike; but because I am so tedious to you, and have long troubled this presence, it may please my Lord Chief Justice to repeat the Evidence, wherewith I am charged, and my Answers to all the Objections, if there be no other matter to lay against me.

Then the Chief Justice Bromley remembered particularly all the Depositions and Evidences given against the prisoner, and either for want of good memory, or good will, the prisoner's Answers were in part not recited: whereupon the prisoner craved indifferency, and did help the Judge's old memory with his own recital.

Sendall. My Masters of the Jury, you have to inquire, whether sir Nicholas Throckmorton, knight, here prisoner at the bar, be guilty of these Treasons, or any of them, whereof he hath been indicted and this day arraigned, yea or no: And if you find him Guilty, you shall enquire what lands, tenements, goods, and chattels he had at the day of his Treasons committed, or at any time since; and whether he fled for the Treasons or no, if you find him not guilty.

Throckmorton. Have you said what is to be said?

Sendall. Yea, for this time.

Throckmorton. Then I pray you give me leave to speak a few words to the Jury: The weight and gravity of my cause hath greatly occasioned me to trouble you here long, and therefore I mind not to entertain you here long with any prolix oration: you perceive notwithstanding this day great contention betwixt the Judges and the queen's learned council on the one party, and me the poor and woeful prisoner on the other party. The trial of our whole controversy, the trial of my innocency, the trial of my life, lands, and goods, and the destruction of my posterity for ever, doth rest in your good judgments. And albeit many this day have greatly inveighed against me, the final determination thereof is transferred only to you: how grievous and horrible the shedding of innocents blood is in the sight of Almighty God, I trust you do remember. Therefore take heed, I say, for Christ's sake, do not defile your consciences with such heinous and notable crimes; they be grievously and terribly punished, as in this world and vale of misery upon the children's children to the third and fourth generation, and in the world to come with everlasting fire and damnation. Lift up your minds to God, and care not too much for the world; look not back to the fleshpots of Egypt, which will allure you from heavenly respects to worldly security, and can thereof neither make you any surety. Believe I pray you, the queen and her magistrates be more delighted with favourable equity, than with rash cruelty; and in that you be all citizens, I will take my leave of you with St. Paul's farewell to the Ephesians, citizens also you be, whom he took to record that he was pure from shedding any blood; a special token, a doctrine left for your instruction, that every of you may wash his hands of innocents bloodshed, when you shall take your leave of this wretched world; the Holy Ghost be amongst you.

Sendall. Come hither, serjeant, take the Jury with you, and suffer no man to come at them, but to be ordered as the law appointeth, until they be agreed upon their Verdict.

Throckmorton. It may please you my lords and masters which be Commissioners, to give order, that no person have access or conference with the Jury, neither that any of the queen's learned council be suffered to repair to them, or to talk with any of them, until they present themselves here in open court, to publish their Verdict.

Upon the Prisoner's suit on this behalf, the Bench gave order, that two serjeants were sworn to suffer no man to repair to the Jury, until they were agreed.

Then the prisoner was by commandment of the Bench withdrawn from the bar, and the court adjourned until three of the clock at afternoon; at which hour the Commissioners returned to the Guildhall, and there did tarry until the Jury were agreed upon the Verdict. And about five of the clock, their agreement being advertised to the Commissioners, the

said prisoner, sir Nicholas Throckmorton, was again brought to the bar, where also the jury did repair; and being demanded whether they were agreed upon their Verdict, answered universally with one voice, Yea. Then it was asked, who should speak for them; they answered, Whetston the foreman.

Sendall. Nicholas Throckmorton knight, hold up thy hand.

Then the Prisoner did so upon the summons.

Sendall. You that be of the Jury, look upon the prisoner.

The Jury did as they were enjoined.

Sendall. How say you, is master Throckmorton knight, there prisoner at the bar, guilty of the Treasons whereof he hath been indicted and arraigned in manner and form, yea or no?

Whetston. No.

Sendall. How say you, did he fly upon them.

Whetston. No, we find no such thing.

Throckmorton. I had forgot to answer that question before; but you have found according to truth: and for the better warranty of your doings, understand that I came to London, and so to the queen's counsel unbrought, when I understood they demanded for me; and yet I was almost an hundred miles hence, where if I had not presumed upon my truth, I could have withdrawn myself from catching.

Bromley. How say you the rest of ye, is Whetston's Verdict all your Verdicts?

The whole Inquest answered, Yea.

Bromley. Remember yourselves better, have you considered substantially the whole Evidence in sort as it was declared and recited? the matter doth touch the queen's highness, and yourselves also, take good heed what you do.

Whetston. My lord, we have thoroughly considered the Evidence laid against the prisoner, and his Answers to all these matters, and accordingly we have found him not guilty, agreeable to all our consciences.

Bromley. If you have done well, it is the better for you.

Throckmorton. It is better to be tried than to live suspected: 'Blessed be the Lord God of Israel, for he hath visited and redeemed his people, and hath raised up a mighty Salvation for us in the house of his servant David.' And it may please you my Lord Chief Justice, forasmuch as I have been indicted and arraigned of sundry Treasons, and have according to the law put my trial to God and my country, that is to say, to these honest men which have found me not guilty; I humbly beseech you to give me such benefit, acquittal, and judgment, as the law in this case doth appoint.

When the Prisoner had said these words, the commissioners consulted together.

Throckmorton. May it please you my lord chief justice to pronounce Sentence for my discharge.

Bromley. Whereas you do ask the benefit that the law in such case doth appoint, I will give it you, viz. That where you have been indicted of sundry high Treasons, and have been here this day before the queen's commissioners and justices arraigned of the said Treasons, whereunto you have pleaded Not guilty, and have for a trial therein put yourself on God and your country, and they have found you Not guilty, the court doth award that you be clearly discharged paying your fees. Notwithstanding, master Lieutenant take him with you again, for there are other matters to charge him with.

Throckmorton. It may please you my lords and masters of the queen's highness's privy counsel, to be on my behalf humble suitors to her majesty, that like as the law this day (God be praised) hath purged me of the Treasons wherewith I was most dangerously charged, so it might please her excellent majesty to purge me in her private judgment, and both forgive and forget my over rash boldness, that I used in talk of her highness's Marriage with the prince of Spain, matters too far above my capacity, and I very unable to consider the gravity thereof; a matter impertinent for me a private person to talk of, which did appertain to her highness's privy council to have in deliberation, and if it shall please her highness of her bountiful liberality, to remit my former oversights, I shall think myself happy for trial of the danger that I have this day escaped, and may thereby admonish me to eschew things above my reach, and also to instruct me to deal with matters agreeable to my vocation; and God save the queen's majesty, and grant the same long to reign over us, and the same Lord be praised for you the magistrates, before whom I have had my trial this day indifferently by the law, and you have proceeded with me accordingly, and the grace of God be amongst you now and ever.

There was no Answer made by any of the bench to the prisoner's suit, but the Attorney did speak these words:

Attorney. And it please you my lords, forasmuch as it seemeth these men of the Jury, which have strangely acquitted the prisoner of his Treasons whereof he was indicted, will forthwith depart the court; I pray you for the queen, that they, and every of them, may be bound in a recognizance of 500*l.* a piece, to answer to such matters as they shall be charged with in the queen's behalf, whensoever they shall be charged or called.

Whetston. I pray you, my lords, be good unto us, and let us not be molested for discharging our consciences truly? we be poor merchant-men, and have great charge upon our hands, and our livings do depend upon our travails; therefore it may please you to appoint us a certain day for our appearance, because perhaps else some of us may be in foreign parts about our business.

The Court being dissatisfied with the Verdict, committed the Jury to prison.

PROCEEDINGS AGAINST SIR NICHOLAS THROCKMORTON'S JURY. [3 Holing. 1121, 1126,]

ON Friday the 26th of Oct. those men who had been of Throckmorton's Inquest, being in number eight (for the other four were delivered out of prison, for that they submitted themselves, and said they had offended) whereof Emanuel Lucar and Whetston were chief, were called before the Council in the Star-Chamber, where they affirmed, that they had done all things in that matter according to their knowledge, and with good consciences, even as they should answer before God at the day of judgment; and Lucar said openly before all the lords, that they had done in the matter like honest men, and true and faithful subjects; and therefore they humbly besought the lord chancellor and the other lords to be means to the king's and queen's majesties, that they might be discharged and set at liberty, and said, that they were all contented to submit themselves to their majesties, saving and reserving their truth, consciences and honesties. The lords taking their words in evil part, judged them worthy to pay excessive fines; some said they were worthy to pay a thousand pounds apiece, others that Lucar and Whetston were worthy to pay a thousand marks apiece, and the rest 500*l.* pounds apiece. In conclusion sentence was given by the lord chancellor, that they should pay a thousand marks apiece the least, and that they should go to prison again, and there remain, till further order were taken for their punishment.—Upon the 10th of Nov. the sheriffs of London had commandment to take an inventory of each one of their goods, and to seal up their doors, which was done the same day. Whetston, Lucar and Kightly were adjudged to pay 2000*l.* apiece, and the rest 1000 marks apiece, to be paid within one fortnight after. From this payment were exempted those four who had confessed their fault and submitted themselves, viz. Loe, Pointer, Beswicke, and Cater. Upon Wednesday the 12th of Dec. five of the eight Jurors, who lay in the Fleet, were discharged and set at liberty upon paying their fines, which were 220 pounds apiece. The other three put up a supplication, therein declaring their goods did not amount to the sum of that, which they were appointed to pay; and so upon that declaration, paying threescore pounds apiece, they were delivered out of prison on St. Thomas's day, being the 21st of December. *

* Sir Nicholas Throckmorton being accused and tried as an accomplice in Wyat's conspiracy, was acquitted by his Jury for want of sufficient proof to condemn him; for this the Jury were severely fined. So the Juries were deprived of the liberty of judging according to their consciences, and, instead of being governed by proofs, they were to examine how the court stood affected to the prisoners, and by that determine their verdicts. This rigour executed upon the Jury was fatal to sir John Throckmorton, who was found guilty upon the same evidence on which his brother had been acquitted. 7 Rapin 134.

In Peck's "Memoirs of the Life and Poetical Works of Milton," 4to. is a Poem entitled "The Legend of Sir Nicholas Throckmorton, "knt. Chief Butler of England, who died by "poison, A. D. 1570, an Historical Poem; by "(his nephew) Sir Thomas Throckmorton, kt." in which are the following stanzas:

cxxii.

Because the Chronicle doth show at large
My Accusation and Acquittal both
I mean thereby to ease me of that charge,
Lest that my being tedious thou do loath,
Yet read it when thou hast convenient leisure:
Perhaps my passed pain shall bring thee pleasure.

cxxiii.

There shalt thou view a President not rife,
How I arraign'd of Treason was set free
By Juror's Verdict, not to lose my life:
The only a per se of my degree,
I mean that was but of gentilitie;
Yet five escaped of nobilitie.

53. The Trial of JAMES earl BOTHWELL, for the Murder of Henry lord Darnley, Husband of Mary Queen of Scots; at the Senate House of Edinburgh: 9 ELIZ. April 12, A.D. 1567. [Buchanan's Hist. of Scotland, B. 18. and Appendix 30. Laing's Hist. of Scot. i. 65. ii. 311.]

AT the Justice Court of our sovereign lady the queen held and begun in the Senate-House of Edinburgh, the 12th day of April, 1567, by the noble and potent lord Archibald earl of Argyle, lord Campbel, and Lord Justice General for our sovereign lady, in all parts of her realm, where there is a Convention and lawful Assembly of Judges. In this Court appeared personally in Judgment Mr. John Spence of Condé, and Robert Crichton of Choc, Advocates of our sovereign lady, and in her name; and there the said Mr. John Spence produced letters from our said sovereign lady, executed and indorsed with the Summons: the tenor of which Letters, Endorsements, and Summons hereafter follows:

The COMMISSION *of Mary Queen of Scots, to try James Earl Bothwell, for the Murder of her Husband Henry Lord Darnley.*

Mary, by the grace of God, queen of Scotland. To our beloved masters William Purves, William Lawson, Gawin Ramsey messengers, our sheriffs in that part conjunctly and severally constitute, greeting. Whereas it has been most humbly remonstrated to us by our beloved and faithful counsellors, Mr. John Spence of Conde, and Robert Crichton of Choc, our advocates, that they are informed that our well beloved cousin and counsellor Matthew earl of Lennox, father of our most dear spouse, has asserted, That James earl Bothwell, lord Hallis and Creygchton, &c. and some others, were the contrivers of the traitorous, cruel, detestable, and abominable Murder of his highness, committed the 9th day of February last past, in the dead of the night, in his Palace, for the time being, in our city of Edinburgh, near the Church in the fields, wilfully and with premeditated felony; and have declared their suspicion of the said earl and others, as having committed the said cruel and horrid Murder. And having therefore resolved that the truth of it should be tried, in a course of justice, with all possible diligence and brevity, we have by the advice of thelords of our privy-council, and also at the humble request and petition of the said earl Bothwell made to us and in our presence; offering to submit himself to a fair trial of what he is charged with, according to the laws of the land, ordered a court of justice to meet in the Senate-House of Edinburgh on the 12th of April next insuing, in order to do justice upon the said earl and others for committing the said cruel and abominable crime and offence, as is more at large set forth in an Act inserted in the Registers of our said Privy-Council. Therefore it is our pleasure, and we enjoin and command you most expressly, that, incontinent these our letters seen, you proceed, and, in our name and authority, summon the said Matthew earl of Lennox, at his own house, to appear together with all others of our subjects, having and pretending to have interest in this cause, by public Proclamation made at the Market crosses of our towns of Edinburgh, Dumbarton, Glasgow, Lanerk, and other places necessary, to the end that they may appear before our Judges, or their deputies, in our Senate-House at Edinburgh, on the said 12th day of April next ensuing, and join with us in the prosecution of this cause, by giving them a summons. And in case that they do not appear, we order that our Judges, or their deputies, shall proceed and give sentence the same day, according to the laws and customs of our realm, without any farther delay or prolongation; and that you summon every one of them to appear the same day, under the penalty of a fine of 40*l.* sterling, for which they shall answer before us as for their own act and deed. And for this end, we give to every one of you conjunctly and severally our full power, by these our letters, to the intent that you may deliver and execute them duly, and indorse them to him who shall be the bearer thereof. Given under our seal at Edinburgh the 27th day of March, and of our reign the 25th, in the year 1567. Signed accordingly by advice of the queen's council. Mary.

What was indorsed on the back of the said Commission.

The 19th day of March, 1567. I William Purves, messenger and sheriff constitute for that part, according to the command of the Letters of our sovereign lady, and in her name and authority, have summoned Matthew earl of Lennox, and all others of her majesty's subjects, having and pretending to have interest in what is within specified, by public Proclamation, made at the market cross of the city of Edinburgh, in order to appear before the Judges or their deputies in the Senate-House at Edinburgh, the 12th day of April next ensuing, and to prosecute and join with our said sovereign lady, in the cause herein set forth, with the summons as it is mentioned in the said Commission; a copy of which I have affixed to the cross of the said market, in presence of John Andersoun and David Land, and many others. And in further testimony of this my execution and indorsement, I have hereunto set my seal. Signed William Purves.

Another Summons.

The last day of March but one, the 1st and 2nd days of April, in the year above-mentioned, I Gawin Ramsey messenger, and one of the sheriffs constitute for that part, went according to the command contained in the Letters of our sovereign lady, and in her name and authority summoned the said Matthew earl of Lennox, particularly at his houses in Glascow and Dumbarton. And whereas I sought him, but could not find him in person, nor her majesty's other subjects, pretending to have interest in the prosecution of the cause herein set forth, I made a Proclamation at the market crosses of the towns of Glascow, Dumbarton, and Lanerk, in order to make them appear before the judge or his deputy, at the said Senate-House of Edinburgh, on the said 12th day of April next ensuing, and to join in the prosecution with the queen our said sovereign lady, in the action within mentioned, with the summons, as it is there declared, and according to the form and tenor of her letters, of which I have set up a copy on each of the said crosses in those markets. I have done and executed the above before the witnesses that follow, viz. George Herbesoun, Nich. Andrew, Robert Letteric messenger; Wm. Smollet, John Hamilton, Jam. Bannatine, Robert Hamilton, and many others. And in further testimony hereof, I have signed these presents with my sign manual. Gawin Ramsey, messenger.

Another Summons.

The 1st day of April, 1567, I William Lawson, messenger, and sheriff constitute for that part, went according to the command signified in the Commission of our sovereign lady to the market cross of Perth, and there, by

public Proclamation made according to law, I summoned Matthew earl of Lennox, and all other subjects of our said sovereign lady, having and pretending to have interests, in order to prosecute James earl Bothwell, lord of Hallis and Creygchton, &c. and others, for the cruel Murder committed on the king; and have affixed a copy on the said cross, according to the form and tenor of these presents. And this in presence of the witnesses hereafter named, viz. James Mareschal, Alex. Borthwith, and John Anderson, messengers, and many others. And in further testimony of this my Execution and Indorsement, I have signed these presents with my sign manual. Signed accordingly, WILLIAM LAWSON, messenger, with my own hand.

The Indictment.

You James earl Bothwell, lord of Hallis, Creygchton, &c. are indicted on account of the cruel and horrid Murder of the most excellent, most high and most mighty prince the king, the late most dear spouse of the queen's majesty, our sovereign lady, committed in the dead of the night, at his house near the Church of the Fields in this city, as he was taking his rest, by treasonably setting fire to a great quantity of gunpowder in the said house, by the violence whereof the whole house was blown up into the air, and the king himself by you killed traiterously and cruelly, wilfully, and by premeditated felony. And this you did the 9th day of Feb. last past, in the dead of the night as aforesaid, as is notorious, and you cannot deny.

Upon the producing of which Letters, so executed, indorsed, and published, the said Advocate demanded an Act and instrument in the court, and required that the Judge should proceed according to the form of them.

These Letters being read in Judgment with the indorsements, the judge, by virtue thereof, ordered the said James earl Bothwell to be called as Defendant of the one part, and Matthew earl of Lennox, and all other subjects of our said sovereign lady, pretending to prosecute this matter, as Plaintiffs on the other part; that they might appear in court, and exhibit their Complaints and Defences, according to the laws of the realm.

And immediately appeared in Judgment the said James earl Bothwell, and entered the Court in person; after which he chose master David Bothwick of Lutchill, and Mr. Edmund Hay, for his Advocates, who appearing also in Judgment, were admitted by the Judge for that effect.

Appeared also Mr. Henry Kinloch, calling himself proctor for his master Andrew lord Errol, constable of Scotland, and alledged, that the constable of the realm had at all times been owned to be the only judge competent of men of that quality, when accused of having committed murder and bloodshed near the prince's chamber, and four miles round; and therefore his said master being at present constable of this realm, ought to be judge to James earl Bothwell, and others his accomplices, summoned to appear this day, and to be charged with the above mentioned act of the cruel Murder of Henry king of Scotland. And in case that Archibald earl of Argyle, as Justice-General of this realm, proceed and take cognizance of this fact, the said Mr. Henry, proctor above-mentioned, protested solemnly that this trial should not be prejudicial to the said constable, his office, right, title, profit, jurisdiction, and possession, in any manner whatever; but that he might exercise his said jurisdiction in all such causes for time to come, according to the seisin of his office, and take cognizance of them, as his predecessors had been used to do in the like case. This he would make appear, by the possession which his predecessors had of it at all times and otherwise; and he required that this Protestation should be registered in the Acts, and affirmed that the jurisdiction of the present judge ought not to be allowed in this case.

The Judge having no regard to this Protestation, did, by advice of his assessor, decree, that he would take cognizance of the fact notwithstanding, since nothing had been produced by the said Mr. Henry, to verify the contents of what he had alledged and protested: Of all which the earl Bothwell demanded an Act and Instrument.

The said Matthew earl of Lennox, and other subjects of our sovereign lady, having and pretending to have interest in this prosecution, being called several times to appear, and to join with the said Advocates in prosecuting the said action, there appeared Robert Cunningham, who called himself servant to the said Matthew earl of Lennox, and exhibited a Writing, signed with his own hand in full court, as being authorized thereunto, and made a Protestation and Requisition of the whole, agreeable to the said writing; of which the tenor follows:

The Protestation of the Earl of Lennox.

My lords, I am come hither, being sent by my master my lord of Lennox, to declare the cause why he is this day absent, having full power from him for that effect, as the truth is. The cause then of his absence is the shortness of the time allowed him, and that he is hindered to have his friends and servants, who ought to accompany him for his honour, and the safety of his person, considering the strength of the opposite party, and that he has no assistance from any of his friends, but must stand by himself: Therefore his lordship has commanded me to require another competent day, according to the importance of this cause, that he may be here present; but if you will proceed now, I protest, that I may, without offence to any person, make use of the authority committed to me by my said lord and master, of which I demand an Act.—Item. I protest, that if those who assist in this Judgment and Inquest upon the persons accused, do undertake to acquit them of the king's Murder, that it

shall be held as a voluntary error, and not of ignorance; since it is notoriously known who they are that have murdered the king, as my said lord and master affirms; of which Protestation I require an Act thus signed, Robert Cunningham: of the production of which Writing and Protestation the said Robert demanded an Act and Instrument.

The Judge considering the Writing and Protestation produced by the said Robert Cunningham, and having regard to the Letters sent to our sovereign lady, by Matthew earl of Lennox, also produced and read in judgment, the tenor of which is hereafter inserted; by which Letters and Writing the said earl of Lennox requires, that a brief and summary trial may be made of this cause: and having also regard to the Act, and the Order thereupon taken by the lords of the privy-council, and other such things; and to what the advocates insist upon as to the same fact, requiring that justice may be done to the said earl Bothwell; and taking notice likewise of the Request and Demand which he has made, that the whole may be thoroughly examined; the Judge, by the advice of the lords and barons his assistants, found that they ought to proceed to the decision of the said Cause the same day, according to the laws of the realm, notwithstanding the Writing and Protestation produced by the said Robert Cunningham, and that in the mean time he shall be admitted to join with and assist the said advocates, for the final Trial of the said cause, if he thinks good.

Copies of the Letters sent to the Queen by the Earl of Lennox.

Madam; I return most humble thanks to your majesty for the gracious and consolotary letters which I received the 24th of this present month: by which I perceive that it is your majesty's pleasure to put off the Trial of this late execrable fact, till the Parliament meets. May it please your majesty to consider, that though I be assured that your highness must needs think the time long till the truth of this fact be found out, and the authors of it punished according to their demerits; yet I most humbly beg pardon of your majesty for troubling and importuning you so often as I am forced to do, the affair being such as touches me so near; and therefore most humbly request, that your majesty would take in good part my advice as follows: It is, that it is too long to wait for the meeting of the parliament; besides, this is not an affair of that sort, which uses to be treated of in parliament, but being such, and of so great importance, it is evident to every one, it ought rather to be inquired into with all diligence, that the authors may suffer an exemplary punishment. I know that your majesty is much more able to judge of it than I; but being informed that certain Placarts or Writings have been affixed to the Gate of the Senate-House of Edinburgh, which answered to your majesty's first and second Proclamation, and named some persons as authors of the said cruel Murder, I most humbly request of your majesty, for the honour of God, and for that of your majesty and your realm, and for the welfare and peace of it, that you would be pleased not only to cause those who are named in the said placarts to be apprehended and put in safe custody, but likewise to assemble your nobility with all possible diligence, and then to summon by Proclamation the authors of the said Placarts to appear for the ends therein mentioned; and if they appear not, your majesty may, by the advice of your nobility and council, set at liberty those who are therein named. Your majesty will do an honourable act in bringing this matter to this issue, that according as the matter shall appear to your majesty, you may punish and chastise the authors of this cruel fact; or if the said Placarts shall be found false and of no validity, those who are charged may be acquitted and set at liberty, according to your majesty's good pleasure. Madam, I pray God Almighty to take your majesty into his protection and safeguard, and to preserve you in health and happy prosperity. From Howstoun the 26th of Feb.

A Second Letter from the Earl of Lennox.

Madam, I beseech your majesty to attend to what follows: Your highness in your last letters acquainted me, that if there were any names in the Placarts, which were set up at the door of the Senate-House of Edinburgh, of such persons as I thought worthy of condemnation, for the Murder of the king your majesty's husband, you would, according to my advice, make it your business to bring them to Trial, according to the laws of this realm, and as the nature of the crime required. May it therefore please your majesty to know, that from the time I received your said Letters, I always expected that some of those bloody murderers would be made openly known to you; but since I perceive they are not, I cannot find in my heart to conceal them from you any longer. Your majesty therefore has here the Names of those whom I greatly suspect, viz. The earl of Bothwell, sir James Balfour, and Gilbert Balfour his brother; master David Chamers; black master John Spence; the sieur Franciscus Bastian, John de Buordeaux, and Joseph, the brother of Davy Rizio: whom I most humbly beseech your majesty, according to my former Petition, not only to cause to be apprehended and committed to safe custody, but also with all diligence to assemble your nobility and council, and then to take such advice about the fact of the persons abovementioned, as they may be duly examined. And as I hope, so I make no doubt, but that by proceeding in this manner, the spirit of God will assist toward bringing it to a good conclusion. Herein your majesty will do an act holy and honourable for yourself, who are a party, and highly satisfy those who stand in any relation to the deceased, whom you loved so dearly. And not doubting that your majesty will give proper orders for the whole, according to the

importance of the matter (as I most humbly beseech you to do) I shall pray to Almighty God to take you into his protection, and to give you long life and health with grace, that your reign may be both long and prosperous. Howstoun, March 17.

The Names of the Judges or Jury deputed for the Absolution of the Earl of Bothwell.

Andrew earl of Rothes, George earl of Caithness, Gilbert earl of Cassils, lord John Hamilton, commendator of Arbroth, son to the duke, James lord Rosse, Robert lord Semple, John Maxwell lord Harris, Lawrence lord Oliphant, John master of Forbes, John Gourdon of Lochinvar, Robert lord Boyde, James Cockburn of Lanton, John Sommerville of Cumbusnethan, Moubray of Barnbougal, and Ogilbye of Boyne.

The above-named being chosen, admitted, and sworn to give sentence according to custom, and the earl of Bothwell being accused by Indictment of the crime above declared, and submitting and referring himself to the Sentence of the said Judges, they went out of the Senate-House to another place: and after having long disputed together upon all the articles of the said Accusation, they did each of them, one after another, declare the said James earl of Bothwell quit and absolved of the whole, and every part of the Murder of the king, and in general of whatever depended on the said accusation.

Afterwards, the said George earl of Caithness, chancellor or president at the said Trial (i. e. Foreman of the Jury) as well in his own name as that of the other judges, demanded an Act, to the end that as well the advocates, as the said Robert Cuningham, having a proxy from the earl of Lennox, and all others whomsoever, might be debarred hereafter from producing any other Writing or Proofs whatsoever, in order to support the said Indictment, and that the Judges might not be induced to give any other opinion than they had done before; the rather because nobody had proved the truth of the Accusation, nor so much as any part of it, and that no accuser appeared but the above-mentioned, who were presented in order to carry on the Trial: and therefore the Judges having regard to the same, declared him free as far as they could have any knowledge of the fact, with a Protestation, that this might not be afterwards imputed to them as a fault. Which Act and Protestation, when the said earl of Caithness president and some of the judges above-mentioned, returned to the court in the Senate-House, and before the pronouncing of the aforesaid Sentence, was, at the request of the said earl of Caithness, read publicly, and in full court, and he demanded an Act and Instrument of it, protesting as above.

Extracted from the Registers of the Acts of our sovereign lady's court of justice, by me John Bellenden of Auchnoule knight, and clerk general of the said court, under my sign manual. Signed, John Bellenden, clerk of the court.

Note, That at the same time Protestation was made by George earl of Caithness, Chancellor of the said Assize, that the said Dictate or Indictment was not in this point true, viz. alledging the murder to be committed the 9th day of Feb., for that indeed the murder was committed the next day, being the 10th day in the morning, at two hours after midnight, which in law was and ought to be truly accounted the 10th day: and so the acquittal that way, but cavillingly defended.

The Proclamations and Placarts, in Answer to them mentioned in the Trial, and others that happened after, were as follows.

Incontinent after the Murder of the king, the 10th of February, 1566, a Proclamation was issued, setting forth, that whoever would discover the Murderers should have 2000*l.* sterling. This Proclamation was answered by a Placart, fixed on the door of the Senate-house of Edinburgh, on the 16th day of February, in form as follows: 'Whereas public Notice has 'been given, that whosoever will discover the 'Murderers of the king, should have 2000*l.* 'sterling; I who have made enquiry by those 'who committed the act itself, affirm, that the 'authors of the said Murder are the earl of 'Bothwell, sir James Balfour, the curate Elisk, 'master David Chambers, and black master 'John Spens, who above all was the principal 'author of this Murder; and the queen, who 'consented to it at the persuasion of the said 'earl of Bothwell, by the witchcraft of the lady 'Buccleugh.'—Upon this, another Proclamation was issued the same day, requiring the person who had set up the Placart to appear, own, and subscribe it in person, that he might have the sum promised by the former Proclamation, and more if he deserved it, as the queen and her council should think fit.

To this the following Answer was given and set up at the same place the day following.—'Forasmuch as a Proclamation has been issued 'since I set up my former, requiring that I 'should come to subscribe and own it; for Answer I do likewise require, that the money 'may be consigned into the hands of some man 'of substance, and I will appear next Sunday, 'and four others with me, and then I will subscribe and maintain what I have said. Moreover, I require that the Sieur Francis Bastein, 'and Joseph the queen's goldsmith, may be apprehended; and I will declare what each of 'them and their accomplices did in particular.' To this no answer was returned.

Though the earl of Bothwell was acquitted as above-mentioned, yet knowing that the world did still esteem him guilty, he did, in order to clear himself further, set up a Paper in the Market-place, bearing, that albeit he had been acquitted by law, yet to make his innocence the more manifest, he was ready to try the same by single combat, with any man of honourable

birth and reputation, who would accuse him of the king's Murder.

To which Answer was made by another Placart, set up immediately after in the same place, 'That forasmuch as the said earl of 'Bothwell had caused a Placart to be set up, 'signed with his own hand, whereby he chal-'lenged any man of quality, and of a fair repu-'tation, who would and dared to say that he 'was guilty of the Death of the king;' adding, that he who said it, or went about to support that charge, should be forced to eat his words; a gentleman of honour and good renown accepted his offer, and said, he would prove by the law of arms that he was the principal author of that horrid Murder, of which the Judges had rashly acquitted him for fear of death, after so much inquiry had been made into it. And whereas the king of France and the queen of England required, by their ambassadors, that the said Murder might be punished, he also intreats their majesties to insist with the queen, his sovereign lady, that by her consent a time and place may be appointed in their countries to combat the earl, according to the law of arms, in their presence, or in that of their deputies; at which time and place he promises and swears, on the word of a gentleman, to be present and do his duty, provided their majesties will, by Proclamation, grant Safe-conduct to him and his company, to pass and repass through their dominions without any molestation. He refers it to the judgment of the readers and hearers what just cause he has to desire this of the king of France and the queen of England, and by this he advertises the rest of the Murderers to prepare themselves; for he will give each of them the like Challenge, and publish their names in writing, that they may be known to every body.—To this Bothwell made no reply.

Some time afterwards, Bothwell was constrained to fly the kingdom, and went first to the Orcades, and then to the isles of Shetland, where being reduced to extreme want, he turned pirate: but being in danger of being taken, he went to Denmark; where, not being able to give a good account of himself, he was taken into custody; and afterwards being known by some merchants, he was clapt up close prisoner; and after a loathsome imprisonment for ten years, that and other miseries made him distracted; and thus he came to a most ignominious death, suitable to his vile and wicked course of life.

Further Account of the Trial of Earl Bothwell. Extracted from Laing's History of Scotland, vol. i. p. 65 *.

"The Trial took place on Saturday, April 12th, and Bothwell, who had returned on Thursday, with the queen from Seton, appeared with armed retainers, and a band of hired soldiers, who paraded the streets with their ensigns displayed. The fact is now universally believed, that Morton conducted the whole trial, and appeared at the bar with Bothwell; but an examination of this circumstance only serves to illustrate the progress of historical falsehood. In the instructions from the lords and abbots of Mary's party, her commissioners in England are directed to plead, in answer to the marriage, 'that most part of the nobility, and principally of the usurpers, Morton, Semple, and Lindsay, gave their consent to the earl Bothwell, and to remove all suspicion, had declared him innocent by a public assize, ratified in parliament by the three estates.' But the queen herself, in her Instructions to her Commissioners, and in their reply to Murray, during the Conferences at York, maintains only, that Bothwell had received his Acquittal from an assize of his peers, confirmed in parliament by the nobility present, her opponents and others; and her answer to the accusation at Westminster, that she prevented the investigation and punishment of the murder to which she was accessary, refers to her former reply at York. Amidst the artful fictions with which the simple fact of the bond is invested, no intimation was then given of Morton's activity, or even presence at the trial, or of the concern of his associates in the acquittal of Bothwell. Two years afterwards, in a pamphlet published under a fictitious name, Lesly resorts to the former instructions of the lords and abbots, and asserts explicitly what he was afraid even to hint obscurely when confronted at the conference with Morton and Lindsay; 'that Morton, Semple, Lindsay, and their adherents, especially procured, and with all diligence laboured his purgation and acquittal, which the three estates confirmed afterwards by act of parliament.' An additional fact, unknown to Lesly in Scotland, was brought forward in France, 1572, by the anonymous author of 'L' Innocence de Marie,' that Morton accompanied Bothwell before the judges. Blackwood scrupled not to intimate, in 1587, that Morton himself was one of Bothwell's judges; and in 'Maria Innocens,' published abroad, 1588, under a fictitious name, Turner, a Scottish priest and professor at Ingolstadt, affirms, without hesitation, that Morton actually pleaded the cause of Bothwell. This last assertion is, with some modifications, preferred by Camden, that Bothwell's cause was sustained or conducted by Morton; and the fictions of an anonymous French writer, and a Scottish refugee, are eagerly snatched at by modern apologists, as historical facts. But the real authors of Bothwell's Acquittal are easily

* Upon the subject of queen Mary's concern in the murder of her husband, many well know volumes have been written. Some correspondence between Robertson and Hume about it is given in the Appendix to Dugald Stewart's Life of Principal Robertson. The documents relating to the question are most diligently collected, most judiciously arranged, and most ably examined, by Mr. Malcolm Laing, in his excellent History of Scotland.

ascertained. Argyle, justice general, and Caithness, chancellor, or foreman of the jury, sat, with Bothwell, Lesley, and Lethington, in the privy council that appointed the Trial. That Pitcairn, commendator of Dumfermline, lord Lindsay, Macgill, and Balneaves, sat as assessors to the justice general, is another convenient assertion, for which there is no proof. Three of the jury, Herreis, Boyd, and Gordon of Lochinvar, were selected as Mary's commissioners in England; Rothes, Cassilis, Ross and others, subscribed the bonds for her release, or defence on her escape from Lochleven; and of the fifteen jurors, Semple alone adhered afterwards to Murray. The Trial was directed or conducted therefore by Argyle, and Caithness, Lesly and his coadjutors at the conferences in England; nor is a vague imputation published by Lesly two years afterwards, under a fictitious name, sufficient to transfer the acquittal of Bothwell, from himself and his coadjutors, to Morton and his friends. The crown lawyers disclaimed, in effect, all share in the prosecution, except their concurrence. No evidence whatsoever was produced. On the contrary, Lennox was cited as a private accuser, to support the charge, when Cunningham, a young man of his household, appearing unexpectedly, excused his absence till his friends could be collected to protect his person; required the trial to be adjourned to procure support against the greatness of his adversary, and protested for an assize of wilful error if the murderers should be absolved. The demand was over-ruled, and the jury acquitted Bothwell of all share in the murder; but their foreman was instructed to protest in opposition to Cunningham, that as no evidence was produced to justify a different verdict, they were not liable for wilful error. From these circumstances it appears, that the trial was directed by Bothwell himself, and that his acquittal was managed and pronounced by the friends of the queen. But whether conducted by Morton or not, it is also evident, that from a collusive trial, directed by Bothwell, with an armed force to suppress the evidence, and prevent the appearance of the accuser, the queen could never have conceived that he was innocent, when, in the opinion of the whole nation, as well as of impartial posterity, the circumstances of his acquittal served only to establish the reality of his guilt. The plain, and the only sound conclusion is, that in consequence of the remonstrances from France and England, Mary sought in the trial for such a decent pretext to her friends abroad, rather than to her subjects at home, as might justify her intended marriage with Bothwell: that he was accused indeed by public report, but acquitted by a judicial sentence of all concern in the murder of her late husband.

"The Acquittal was no sooner pronounced, than Bothwell posted up a public challenge, offering as a vindication of his innocence, to fight hand to hand, with any person of good reputation, who should dare to maintain that he was guilty of the murder; but the challenge occasioned another placard, in which the charge was renewed. As if his innocence, however, were now incontestible, he was appointed on Monday, the second day after his trial, to carry the crown and sceptre, a mark of distinguished favour, at the opening of parliament. The commissioners for its opening, and the lords of articles were selected from the queen's friends; and if Morton's name appears in the articles, we at the same time discover the abbots of Kiliwinning and Aberbrothick, Lesly and Herreis, Bothwell and Argyle. There was no investigation attempted, nor the least notice taken of the king's murder; but a severe act was passed against the placards, that whosoever first discovered and neglected to suppress them, should suffer the same capital or arbitrary punishment with the authors themselves."

"Buchanan, Melvil, and Spottiswood assure us, that Bothwell died mad, and the two last, writing after James had wintered in Denmark, must have known the fact. Turner, in order to authenticate the confession, first asserted, in 1588, that Bothwell's madness was a fiction of Buchanan's, and the credulous Whitaker believes, on Goodall's authority, that he lived at large, unconfined, in Denmark. But Crawford's MS. informs us, that he was committed to close prison till his death; the Summarium de Morte Mariæ, published 1587, that, "in Dania captus, amens obiit" (Jebb, ii. 166), and Thuanus assures us, seemingly from particular information, that as soon as discovered, he was imprisoned at Dracholm, "in aratissimis vinculis, in qui buscum accusatus esset ab amicis cujusdam nobilis virginis Norvegicæ, quam ante plures annos, pacto matrimonio violatam, alia, super inducta, deseruerat, post decennium accedente amentia dignum flagitiosa vita exitum habuit," ii. 551. The Norwegian lady whom he had debauched when betrothed to her some years before, and deserted for another, explains a passage in Buchanan, that before his marriage with the queen, duas uxores adhuc vivas habuit, tertiam ipse nuper suum fassus adulterium dimisisset; (lib. xvii. 357) and suggested the crimes in his confession, that he had debauched a Danish lord's two daughters, and two daughters of a lord at Lubeck, &c. His body was greatly swelled in summer, 1575, (Murden, 285); and he seems to have died about the end of that year. His age has been strangely controverted. Buchanan had represented James, instead of Patrick, earl of Bothwell, as Lennox's rival for the queen regent's hand; and Tytler, who was slightly versed in the controversy, and in the history of the period, grasped at the mistake, and concluded that Bothwell, who courted the mother in 1544, must have been an old man, upwards of sixty, when he married the daughter in 1567. Tytler, 3 edit. 231. The mistake had been previously corrected by Thomas Crawford (Notes on Buchanan, 141) and by Ruddiman (Buchananari Opera, i. 452); but when lord Hailes discovered that Patrick, Bothwell's father, died in Sep-

tember 1556, and that Mary herself described Bothwell eight years afterwards, as "in his verie youth at his first enteris into this realm, immediately after the deceise of his fadder." (Remarks, 173. Anderson, i. 89), lord Elibank and Tytler devised another conclusion, that Buchanan, by anticipation, described Bothwell by his future titles, when courting the queen regent in 1544, and that he was forty-four at least when he married the queen. Lord Elibank's letter to lord Hailes, 30. Tytler, ii. 155. To argue against such writers would be ridiculous, as it is sufficient to state their misquotation of Buchanan. Accessit æmulus Jacobus Hepburnus comes Bothwelliæ, &c Is enim ab Jacobo quinto relegatus, ac etatim eo mortuo domum reversus, eisdem artibus reginæ viduæ nuptias ambiebat," &c. lib. xvi. p. 285. The earl of Bothwell, whom James had banished in 1537, was Patrick, the earl formerly imprisoned in 1531, and divorced from his wife, most probably on his return from exile, when he paid his addresses to the queen regent. Goodall, ii. 319. Bothwell's mother was alive at the murder of Darnley (Paris's First Confession); and if born when his father was banished, Bothwell himself might be nineteen at his father's death, and less than thirty on his marriage with the queen. From her words quoted above, he appears to have returned from abroad immediately after his father's death; and I conceive that he was then in Denmark or Norway where he married and deserted his first wife for another, as he passed through England to France, on his banishment in 1563. Douglas, in his Peerage, creates an intermediate Patrick earl of Bothwell; but in 1519, we discover a lord Hailes, by Buchanan called James Hepburn, who assassinated David Hume prior of Coldingham, to whose sister he was married. Buchanan, 260. Lesly, 371. Pitscottie, 131. Crawford's Notes on Buchanan, 126."

54. The Trial and Sentence of William Powrie, George Dalgleish, John Hay younger of Talo, and John Hepburn of Bowton, concerning the Murder of Henry, earl Darnley, Husband of Mary Queen of Scots: with their Examinations, Depositions, and Confessions: as also, the Declaration of Nicholas Hubert, a Frenchman, commonly called Paris, in relation to that Murder, and other Matters: 9 Eliz. A. D. 1567. [Bib. Cotton. sub. tit. Calig. C. 1. f. 243. 2 Anderson, 165. 2 Laing's Hist. of Scotland, 243. Buchanan's Detection.]

The Depositions of William Powrie.

Apud Edinburgum, 23 Junii, Ann. Dom. 1567, in presentia Dominorum Secreti Concilii.

William Powrie, borne in Kinfawnis, seruitor to the erle Bothwell, deponis, That ye sam day the king wes slane at night, the erle Boithwell, accumpanyt with James Ormistoune of yat ilk, Hob Ormestoune his fader bruther, John Hepburne of Bolton, and Johne Hay zounger, zeid togidder to an counsele in ye nether hall of ye said erle Bothwells ludgeing in ye abbay, about four houris eftirnone, or yairby, and remanit yairin twa houris, or yairby; quhat yai did or said, he knawis not.

Item. Deponis, Yat John Hepburne of Bolton, at ten houres at evin, commandit the Deponar and Pat Wilsoune to tak up ane carriage of twa maills and ane tronk, and ye ythir an leddirin mail, quhilks were lyand in the said nethir hall, quhilks the Deponar and the said Pat put on and chargit upon twa horses of my lordis, the ane being his sown horse, and carriit the same to the zet of the enteres of the black friers, and yare laid the same down, quhair the erle Bothwell, accumpanit with Robert Ormestoun and Paris, called French Paris, and vtheris twa quhilks had cloakes about yare faces, met the saidis deponar and Pat Wilsoun. And yat zoung Tallo, the lard of Ormestoune, and John Hepburne of Boltoun, wes awaitand vpon ye deponar and Pat Wilsoun, within the said zet; and yat yare the saidis thre persouns within the said zet, ressauit the saids twa charges, quhilks the deponar knew to be pulder, because the same wes in sundry polks within the said mail and tronk; and ye deponar and said Pat Wilsoun helpt yame in with the same; and the powder being taken from yame, the said Johne Hepburne of Bolton sent this deponar for candell, and yat he coft six halpenny cahdell fra Geordе Burnis wife in the Cowgate, and deliverit to the said Johne: and yat ye saids persouns ressavaris of the powder, had ane towel with them, with ane littil licht candell; and the saids persouns within the said zet oppynit the tronk and mail, and tuck out the polks with the powder: and everie ane of yame tuck yane upon his back, or under his arm, and carryit the same away to the back-wall of the zaird yat is next the trees, and yair the said laird of Ormestoune, Johne Hepburne of Boltoun, and zoung Tallo, ressavit the pulder fra yame, and wald suffer the deponar and his marrow to pass na furdar. And quhen the deponar and his marrow came bak againeto the said frier zet, the twa horss that carryed the said maill and tronk war away, and zit yay carryit the saids mail and tronk again to the abbay, and as yay came up the black frier wind, the quenes grace was

gangand before yame with licht torches: and yat the deponar and his marrow being cumin to the said erles ludging in the abbay, thai tarryit yare ane hour or mair, and yan the said erle came in, and immediately tuk aff his claythes yat wer on, viz. a pair of blak velvet hoise, trussit with silver, and ane doublet of satin of the same maner, and put on ane vthir pair of black hoise, and ane doublet of canwes, and tuk his side rideing cloak about him, and incontinent past furth, and accumpanyt with French Paris, the deponar, Geordе Dalgleish and Pat Wilsoun, and came down the turnpike, and alang the back-wall of the quenes garden, quhill yai camé to the back of the cunzie-house, and the back of the stabillis, while thay came to the Cannongate. And deponis, Yat as yai came by the gait of the quenes south garden, the twa sentinellis yat stude at the zet yat gangis to the utter cloiss, speirit at yame, Quha is yat? and yai answerit, Friends. The centinel speirit, Quhat friends? and yai answerit, My lord Bothwells friends.

Item. Deponis, Yat yai come up the Canongate, and to the nether bow, and findand the bow steikand, Pat Wilson cryet to John Galloway, and desirit him to opin the port to friends of my lord Bothwell, quha came and oppynit the port, and yai enterit, and zeid up aboue Bassyntines house on the south-side of the way, and knockit at ane staire, and callit for the laird of Ormestone, and Robert Ormestone, and nane answerit yame, and yai yan slippit down ane cloiss beneith the frier wynd, and come to the zet at the black friers, and enterit in at yat zet, and zeid quhill yay come to the back-wall and dyke, quhaire the deponar and Pat Wilson left the vtheris persouns before exprymit, with the powder as said is, and yaine the erle Bothweille past in over the dyke, and bad the deponar, Pat Wilson, and Geordе Dalgleish tarry still yaire while he come backwart to them. And furder deponis, Yat yai tariit yare half an houre, and hard never din of any thing, quhill at last my lord, accompanyt with zoung Tallo, and Johnne Hepburne of Boltoune, come to the deponar, and vtheris twa persons being with him, and evin as my lord and thir twa comes to the deponar and his marowis at the dyke, thai hard the crack, and thai past away togidder out at the frier zet, and sinderit quhen yai came to the Cowgait, pairt up the blackfrier wynd, and pairt up the cloiss which is under the endmyllis well, and met not quhill yai came to the end of the bow, and zeid down ane cloiss on the north-side of the gait, to haif loppin the wall of Leith wynd, and yair my lord thoucht it over heich, and came again aback to the port, and caused cry upon John Galloway, and said yai war friends of my lord Bothwilis. And John Galloway ruse and let them furth, and syne yai past down St. Mary's wynd, and down the back zairds of the Canongait, and to the said erles ludging; and as yai past the quenes guards before specifyit, sum sentinells speirit at yame quha yai war, and yai answerit, yai war friends of my lord Bothweill; and als speirit quhat crak yat was, and yai answerit, yai knew not; and yat the sentinels bid them, if yai were servandis of my lord Bothweill, to gang yair way.—My lord come into his ludgeing, and immediately callit for ane drink, and tuk off his cloathes incontinent, and zeid to his bed, and tarriet in his bed about half an hour, quhen Mr. George Hacket come to the zet, and knócks, and desired to be in; and quhan he came in, he appeared to be in ane greit effray, and was black as any pik, and not ane word to speik. My lord enquirit, Quhat is the matter, man? and he answerit, The kingis house is blawn up, and I trow the king be slayn. And my lord cryet, Fy, treasoun! And yan he raise and pat on his claithis. And yarefter the erle Huntley and mony came in to my lord, and yai zeid into the quenes house.

Item. Deponis, yat upon the nixt nicht efter, my lord desyrit yis deponar, Pat Wilson, Geordе Dalgleish, the laird of Ormestoune, and Hob Ormestoune, John Hepburn, and zoung Tallo, to keip thair tongues cloiss, and yai suld nevir want sa lang as he had, and yat he suld send the deponar and Pat Wilson to the armitage, and yat yai suld be honestly sustainit. And being inquirit, gif this deponar, at my lord Bothwells desyre, socht ane fyne lunt of any of the suddartis: and answerit, yat he did the same, and gat a piece of fine lunt of half a faddome, or yareby, fra ane of the suddartis, quhais name he knawis not, and deliverit to Johne Hepburne of Botoune, upon Saturday before the kingis slaughter.

Apud Edinburgum, 3 Julii, A. D. 1567, in presentia Dominorum Secreti Concilii.

William Powrie re-examined, deponis, Yat the cariage of the tronk and mail contenit in his former depositioun, were carryed by him and Pat Wilsone, upon ane gray horss yat pertained to Herman, page to my lord, at twa sundry tymes, and war carryed and conveyit by yaim into the place containet in his former deposit, and yat at the frier wynd fute yis deponar said to Pat Willson, at the conveying of the last carriage, thir words, Jesu, Patt, quhattin ane gait is yis we are gangand? I trow it be not gude. And he answerit, I trow it be not gude; but weist, hald zour tongue.

Item. Deponis, Quhan the deponar and Pat Willson come to the frier zet with the last convóy, and laid the same down, Robert Ormestoune come furth, and said thir words: this is not gude like, I trow this purpois will not come to this nycht, I will in and se quhat yai are doing.

Item. Yarefter quhen the powlder and greaith was carryed inwart, the deponar tarryand at the dyke, the laird of Ormistoun of yat ilk came again, and said to John Hepburne and young Tallo, thir words (Paris Frenchman being with him) Be God it is fair in field, cum of it quhat will, and bade the deponar and Pat Wilson gang their way; and at the same tyme yat ye deponar and Pat Wilson laid down the last cariage at the said frier gait, the E. Both-

weill came unto thame utwith the frier zet, accumpanyit with thre more, quhilks had yare cloaks, and mulis upon yair feet.

Item. Deponis, Yat the saidis Johnne Hepburne of Boltone, upon Saturday at evin befoir the kingis slaughter, brought the mail and tronk quhairin the powlder was, to the E. of Bothwiles ludgeing, and laid in the same in the nether hall; and the deponar declaris, yat at the last horse cariage he bare up ane toome poulder barrel to the same place yai carriet the pulder, and yat he wist not how nor be quhome the same came in the erle Bothweils ludging in the abby.

Item. Deponis, Yat upon the morn eftir the kingis slauchter, viz. Mononday, Johne Hepburne of Boltoun gat ane gray horse, Mr. Young of Tallo ane broun horss fra my L. Bothweill.

Item. Inquirit gyf William Geddes deposition, being red to the deponar, was trew; declairit the same was all trew, except the deponar remembers not quhidder he bad and counsulit this Geddes not to be —— on the grit yat nycht or not.

This is the trew copy of the Depositions of the said William Powrie, maid in presence of the lords of secreit counsall, concordand and agrieand with the principal remainand at the office of Justiciary, collationat be me sir John Bellenden of Auchnoule, clerk of our souerane lordis Justiciarie, witnessing my sign and subscription manual. Joannes Bellenden, *Clericus Justiciariæ.*

The Deposition of George Dalgleish.

Apud Edinburgum, 26 Junii, A. D. 1567, presentibus comitibus de Mortoun & Athol, preposito de Dundee, & domino de Grange.

George Dalgleish Seruande in the Chalmer to the erle Bothwell, of the aige of 27 Zeiris, or yareby, &c. deponis, yat ye Sunday the king was slayne at nycht the E. Bothwell, accumpanyit with the laird of Ormestoune of yat ilk, Hob Ormestoune, his fader bruther, John Hepburne of Boltone, Johnne Hay of Tallo zounger, war togidder in the nether hall of the said erls ludging in the abby, about four houres in the eftirnone, and remained yarein ane hour and a half, and quhat yai did knaws not, be ressoun the deponar remainit for the maist part in my lords chalmer.

Item, Deponis, yat my lord his maister came to his chalmer about 12 hours at evin, or yareby, and tuke of his clayths, and chingit his hois and doublet, viz. ane pair of hoiss stocket with black welvet, pasementit with silver, and ane doublett of black satin of the same maner, and put on ane vther pair of black hoiss, and ane canwes doublet white, and tuke his side riding cloak about him, of sad Inglish claith, callit the new colour. And incontinent the erle, French Paris, William Powry seruitor and porter to the said erle, Patt Wilsoun, and the deponar, zeid down the turnepyke altogidder, and endlong the bak of the quenes garden, quhill yow cum to the bak of the Cunzie House, and the bak of the stabillis, quhill zow come to the Cannogate foreanent the abbay zet. And depones, as yay came by the entry of the quenes south garden, ane of the sentinels yat stude at the zet yat gangis to the utter cloiss, speirit at thame, quhais that? Yai answerit, friends. Quhat friends? Friends to my lord Bothwell.

Item. Deponis, yai cane up the Canogait to the nethir bow, quhilk was steikit, and yat Patt Willson cryit to John Galloway, and bid him come down and oppin the port and let yame in, and yat yai tarriet ane gude quhile or Galloway came down to let yame in, and speirit at yame, quhat did yow out of yair beds yat time of night? and eftir yay enterit within the porte, yay zeid up aboue Bassyntines house on the south side of the gait, and knockit at ane dur beneth the swordslippers, and callit for the lard of Ormestounes, and one within answerit, he was not yare; and yai passit down a cloiss beneth frier wynd, and enterit in at the zet of the black friers, quhil thay come to the bak wall and dyke of the town wall, quhair my lord and Paris past in over the wall, and commandit ye deponar, William Powry and Patt Willsoun, to remayne still quhill yai came till yame, and quhatevir yay hard or saw, not to stur or depart quhill he cam againe: and yat yis deponar and the uther twa tarreit yair half an hour or yareby, and in the meyn time hard no din of any thing, quhill at last my lord, accumpanyit with John Hay zounger of Tallo, Johne Hepburne of Bolton, come to the deponar, and vtheris twa, and even as my lord and yay twa came to the deponar and his company, yay hard the crack, and past all away togiddir out at the frier zet, and sunderit in the Cowgait. My lord, Johnne Hepburne, and Pat Wilsoune, William Powrie and the deponar zeid up ane wynd be-est the frier wynd, and crossit the hiegait at the nether bow, to haif lopin the wall at Leith wynd, bot thai thocht the wall over hich, and came agane to the port; and my lord caussit cry upone Johne Galloway, and said, yay were servands of my lord Bothweill; and yat he ruse and oppynit the Wickit, quha it wes yat ruse, ignorat: and syne yay passit down St. Mary wynd, and down the back of the Cannygait, and to the said erles ludging, and enterit be the same turnpicke yat yai cam furth at. And as yai passit by the quenes gardens, ane of the sentinels speirit, Quha yay war? And yai answerit, Yai war friends of my lord Bothweill. And so soon as my lord came in his ludgeing he cryit for ane drink, and incontinent yareftir tuke off his claythes and zeid to his bed, and lay be the space of half ane hour or yareby; and yat Mr. George Hacket came to the chalmer about half ane hour eftir my lord lay down. Quhan he came in, he apperit to be very effrayit, and my lord speirit, Quhat is them utter, man? And he answerit, Yat he heard at the Kirk of Field like the schot of ane cannoun, and, as I hear say, the kingis house is blawin up, and I trow

the king be slayne. And incontinent my lord raise and pat on his clayths, that is to say, the same hoiss and doublet yat he had on upon Sunday, quhilks wer pessements with siluer, and sa sone as my lordis clayths was on, he departit furth of the chalmer, and the deponar remanit still in the chalmer.

This is the trew copy of the Depositione of the said George Dalgleish, maid in presence of the lordis before expremit, concordand and agreeand with the principal remayning at the office of justiciarie, collationat by me sir John Bellenden, knight, clerk of our soveraigne lordis justiciary, witnessing my signe and subscriptioun manual. Joannes Bellenden, *Clericus Justiciariæ.*

The Deposition of John Hay younger of Talo.

Apud Edinburgum 13 die mensis Septembris, An. Dom. 1567, in presence of my lord Regent, the erles of Morton and Athol, the lairds of Lochlevin and Petarow, Mr. James Magyll, and the justice clerk.

The quhilk day, John Hay younger of Tallo being examinit anent the kingis graces murther, grantit and confesst himself culpable yareof, and as he wald answer before God, deponit and declarit the erle Bothwele his masters pairt of the same, sa far as the deponar knew, in manner following, that is to say, That upon the 7 day of Februar last bypast, before the kingis murther, th'erle Bothweil, within his chalmer in his ludging in the abbay of Halyrudhous, schew to the deponar the purpose of the kingis murther, sayand thir words or siclike, Johne, this is the mater, the kingis destruction is devysit, and I mon reveill it unto ye, for an I put not him down, I can not haif an lyfe in Scotland, he will be my destruction, and I reveill this to the as to my friend, and gyf zow reveill it again, it will be my destruction, and I sall seik yi life first: and yarwith he gave the deponar also diverse admonitions, and also fair promises to keip the mater secret, and to take part with him in the kingis slaughter, as he had devisit; and yat yareafter at evin, in the presence of John Hepburn callit of Bolton, the said erle proponit the samyn matter to the deponar, quhilk John Hepburn was on the counsail yairof before. And th'erle Bothwell said to the deponar, I have devisit it in this manner, and ye sall do the same, that is to say, he said in presence of James Ormistoun of yat ilk, and the said John Hepburn, thir words, The pulder mon be laid in the house under the kingis chalmer, quhaire the queene suld lye, in an barril, gyf it may be gottin within the barril, and the same barril sall haif an hoill at the nether end yareof and an tre holit and howkit like an troch put to the hoill of the barril, and an lunt yareupon, quhilk sall be fyrit at the fir end, and the unfyrit end laid in the hoill of the barril in the pulder. And this porpos suld haif bene put in execution upon the Saturday at night, and the matter fayllit yat night, becaus all thingis were not in reddynes yairfor.

Item. Deponit, Yat upon Sunday yarefter, about thre or four houres afternone, in th'erle Bothwells nedder house in the abbaye, the said erle, John Hepburn of Bolton, and the deponar, devysit yat my lord suld gang up to the said laird of Ormiston's chalmer (like as he did) sua sone as it was mirk, and yat yare past with my lord, quyet on fute, John Hepburn of Bolton, the deponar, and Ade Murray met yame, and sum utheris quham the deponar remembers not, at the said laird of Ormistons stairefute of his chalmer, above the bow, on the south-syde of the gait, and yat my lord commandit the said Ade and utheris to pass to Mr. John Spensis, and remayne yare quhill he came to yame; and yat my lord, John Hepburn of Bolton, and the deponar, enterit in the said laird of Ormistons chalmer, quhair yay fand the said lard, and Hob Ormiston his fader bruthir, and an bruther of the lards, quhais name the deponar knaws not, and was put to the dur: and yair yai consullit quhat gait yai suld gang to the kingis house, becaus yai had not tane purpois yairupon of before: And syne yai zeid all down togydder to the black frier zeit, and ye said lard of Ormiston zeid in throw the awld howsis and wallis, and past and opynitt the said freir zet to my lord, the deponar, and the rest foresaid. And yet my lord and the deponar zeid up and down the Kowgate, quhile Wille Powry and Pate Willson brocht the powder, quhilk was brocht at twa sundry times, furth of the abbay, from the eglis ludgeing, and yat the same was in a tronk and an mail, and was brought upon Hermanis naig, and yat the powder was ressavit in at the black freir zeit be the said lard of Ormiston, and John Hepburn of Boltown, and yat the samyn was born in be Wille Powry, Pate Wilson, and the saids lard of Ormiston, Hob Ormiston and the deponar in the trunk and mail. And yareftir the powder yat was in the trunk, was taken furth of the same, and put in polks, and the powder yat was in baith the tronk and mail was caryit to the kingis house in polks.

And it is of verity, that Paris the French man was in the nedder house, under the kingis chalmer, and had an key of the backdowr, and then the said lard of Ormiston past in at the said dur, and spake with the said Hob his fader bruther, and with the said Paris, being both therein, and fand the time convenient, and came furth again, and tauld the samyn to the said erle and his cumpany; and yat yai had with yame alswa a tre and a powder barrel, for to have done as said is, but the barrel was so meikle, it could not be gottin in at the dur; and yan yay tuk all the polks and carried yame within the said laich house, and temit yame on the flour in an heip; and the polks weir taken furth again, and yat my lord was in the house afoir, and had left the said Paris yarein, and the said Hob standand at the dur awaitand upon yair coming; and yat the said lard of Ormistone said to the said John Hepburn, Ze ken now quhat ye haif to do, quhen all is quyet aboue zow, fyre the end of the

lunt, and cum zour way. And yareftir the said lard of Ormiston past his way with Hob with him, and Paris. John Hepburn and ye deponar taryit still within the said laich house a certain space, and Paris lockit the back dur, and the dur yat passes up the turnpike to the kingis chalmer, quhair the king, the quene, and ye erle Bothwell, and vthers were, and passit up to yame, levand behind him the said John Hepburn and the deponar lockit in the said nedder house; and as the deponar believes, Paris shew the erle Bothwell that all things were in readiness, and syne sone yareftir, the quene and the lordis returnit to the abbay, my lord Bothwell being in her cumpany; and yareftir the erle Bothwell, accumpanyit with Paris and Geordie Dalgleish, came to the back zard, and the said Hepburn quha had twa keyis of the back dur, lichtit the lunt, and came with the deponar, and lockit the durris after yame, and fand the erle of Bothwell in the zaird, quha speirit at yame, gyf they had done that quhilk he had bidden yame, and fyrit the lunt; and yai answerit yat it was done. And efter my lord and thai tarryit in the zaird ane lang tyme: and quhen my lord saw yat ye matter came not hastily to pass, he was angre, and wald have gen in himself in the house, and the said John Hepburn stoppit him, saying thir wordis, Ze neid not. And my lord said thir wordis, I will not gang away quhile I see it done; and within ane schort space it fyrit, my lord, John Hepburn, the deponar, and Paris being gangang at the fute of the aley in the said zard, and quhen they saw the house riseand, and heard the crack, they ran their way, and come down the wynd fra the said freir zett: and yat my lord yareftir past to the wall at Leith wynd, to have past over it, but because he thocht it over hich, he sturrit yairwith, and came back again to the neddir bow, and past furth at the port, after Johnne Hepburne had cried upon John Gallaway porter, and causit him oppin the port; and that the saids John Hepburn and Geordie Dalgleish passit afore with my lord, and sone yareftir, the deponar and Paris followit, and the deponar passit to his bed in John Hepburns in the Canongait, and my lord passit to his awin ludgeing in the abbay.

The Deposition *of* John Hepburn, *called John of Bowton.*

Apud Edinburgum 8 die mensis Decembris, A. D. 1567, in presence of my Lord Regent, the Erle of Athol, the Lord Lindsay, the Lard of Grange, and the Justice Clerk.

The quhilk day, John Hepburn, callit Johnne of Bowtoun, being examinit upon the kingis murther, grantit himself culpable and gilty yairof, and as he wald answere before God, deponit and declaryt the erle of Bothweile his masteirs part of the samyn, so far as the deponar knew in this matter, that is to say, the first tyme yat evir the the erle of Bothwile spake yis matter of the kyngis murther to the deponar, was ane day or twa aftir the bringing of the powder furth of Dunbar, at quhilk tyme he said to the deponar in this manner, Thair is ane purpois divisit amongs some of the noblemen, and amongs the rest, yat the kinge sall be slane, and that every ane of us sall send twa servandis to the doing yarof, owther on the fields, or otherwise as he may be apprehendit; and yan desirit ye deponar to be ane of the entreprysers for him; quhais answer was, yat it was ane evill purpois, and zit, because he was servand and cousignance to his lordshyp, he wald do as vtheirs wald, and put hand to it. One the morne yareftir, he callit James Ormiston of that ilk, the deponar and John Hay zounger of Tallo, and break the purpois to yame, and maid the the like declaratioune to yame, yat vthir noblemen had as far enteres as he in yat matter; and yai maid to him evin sic answer as he had done. Quhether my lord had schewed yame ye purpois of befoir or not, ye deponar knawes not. Swa every day yare was tauking amongis yame of the samyn purpois, quhill within twa dais before ye murther, yat the said erle changed purpois of the slaying of the kinge one of the feildes, because yan it wald be knawn, and schew to yame quhat way it mycht be usit better be ye pulder. And on the Sunday, in the gloming before nicht, ye 9 daie of Februar last bepast, the deponar send ye said Johne Hayes man for ane tome poulder barrel to the man quhilk Johne Hay had coft the same fra, yat dwells above Sandie Bruces cloise-head. At even my lord suppit in maister Johne Balfours hous, quhare the bischop of Argyle maid the banket, and eftir supper my lord came up the gait, and yai all with him to the said lard of Ormestonis chalmer, quhair ye deponar and Johne Haye past in, and fand the said lard and Hob Ormestoun his fader bruther; and as ye deponar rememberis, yat was the first time yat Hob knew of yat matter, and yare yai spake togidder, and my lord schewit yame ye maner: and the deponar, the said lard of Ormestoune, Hob Ormistone, and Johne Haye, past to the fute of the black freir wind, haveing sent away Willie Powry and Pate Wilsone for the poulder. And before yar comming furth of the said chalmer, my lord departit with his servandis, quhair ye deponar knawes not. And the saids foure being togidder, as is befoir wryttin, at the fute of the freir wind, the said Willie Powry and Pate Wilsone cum agene with the poulder, quhilk was brocht at two times in ane tronk and ane mail, and yai carreit it in at black frertes zet, and quhen yai war changing ye pulder furth of the tronks in polks, my lord come and speirit, gyf all was redy, and bad yame haiste before the queene come furth of the kingis house, for gyf she come furth before yay ware reddy, yay wald not find sic commodity. And yan ye pulder being put in polks, the saids laird of Ormistone, Hob Ormistone, this deponar, Johne Haye, Willie Powry, and Pate Wilsone tursit up the pouder to the kingis house, and fand Paris at the dur, quha openit

the samyn, and yay assayit to have taken in the said barrell, and it wald not gang in at the dur, and yan yai liftit the samyn, and brocht it back to the zaird, and had in the pouder; and tuming it furth of the polks in ane bing and heip upon the flur, evin directly under the kingis bed; and yan ye said laird of Ormestone, Hob Ormeston, and Paris past away, and left the deponar and John Hay within the said house, quhilks tarryit yarein quhill eftir twa houres after mydnight, and yan tuk ane lunt, with ane litle tre quharon it lay, and placit ye same, ye ane end in the pouder, and fyrit ye vthir end, and cam yair way, and lockit ye thre duris behind yame; and at yair cuming furth to the zaird, yay fand my lord Bothwell, Geordie Dalgleish, Pat Wilson, and Willie Powry; and my lord speirit at them, gyf yay had done all things as was ordourit: and yai said, Zea; and yai tarryit upon ane quarter of ane hour yaireftir, and my lord thocht lang, and speirit gyf yair was ony part of the house yat they mycht se the lunt gyff it was burnand anouch, and yai said, Yare wes nane but ane wundo quhilk wes within ye clois, and as they war speeking upon it, the house begouth to take fyre and blew up, and yai ran away, and cum up black freir wind, and zeid down ane clois to haif gottin over the broken wall at Leith wind, but my lord thocht it over heich to loup, because of his sair hand, and swa returnit to ye neddir bow, and walkynit John Galloway portar, quham yai gart cum down and opin the zet; and Willie Powry, Paris, and John Haye, zeid evin down the Cannongait, and my lord, the deponar, Pat Wilson, and Geordie Dagleish, zeid down saint Mary wind, and behind the zairds unto my lordis ludgeing in the Abby. And in yair byganging, twa of the watchis spirit, quhat yai were, and ye deponar answerit, We are servands of the erle Bothweill, gangand to him with news out of the town; and swa my lord passit to his bed, and yis deponar lay down in ane bed in ye hall. And sone yareftir Mr. George Hackett came in, quha told, yat the house of the Kirk of Field was blawin up in the air, and the king slane. And within short space yairafter my lord Huntley came in, and my lord Bothweill raiss and put on his claithis, and passit into the queenis house. And the deponar tarryit sum tyme yareftir, and cumand furth, fand the abbay zeit closit, and yan ye deponar fand the said John Hay in his bed in John Hepburns, and lay down with him.

Item, Deponis, yat yare wes fourteen false keys maid for oppyning of all the lockes of the dures of the kingis ludgings at the Kirk of Field, quhilk the deponar, eftir the comitting of the said murther, keist in the quarie hole betwixt ye abbay and Leith.

Thir are ye true Copies of the Depositionis of the said John Haye zounger of Tallo, and Johne Hepburne callit of Boutoune, maid in presence of my lord Regent, and the lords before mentionit, in manner befoir expremitt, concordant and agreand with the originalis, quhilks are remainand in the justiciarie, collationate be me sir John Bellenden of Auchinoul, knight, clerk of our soverane lordis justiciary. Joannes Bellenden, *Clericus Justiciarie.*

The Tryal *and* Sentence *of the saids* William Powrie, George Dalgleish, John Hay, *and* John Hepburn.

Curia justiciariæ S. D. N. regis, tenta & inchoata in prætorio de Edinburgh tertio die mensis Januarii, anno Domino millesimo quingentesimo sexagesimo septimo, per honorabilem virum magistrum Thomam Craig, justitiarium deputatum nomine nobils & potentis domini Archebaldi comitis Argadiæ, domini Campbell & Lorne, justiciarii generalis dicti S. D. N. R. totius regni sui generaliter constituti. Sectis vocatis & curia affirmata.

The quhilk day, Johne Hepburne callit of Bolton, Johne Haye apperand of Tallo, William Powrie and George Dalgleish, being present in Judgement in the said court, to be accusit of the dittay aftir-specifeit, were putt to the knawledge of the persons underwritten, quhilk were lawefully summoned to pass upon yair assize, choisin and admittit be thameselues, and sworn to deliver upon the points of the said dittay, viz. John Lockart of the Bar; The laird of Caprinton; James Campbell of Chankstoun; Heugh Wallace of Carnell; The laird of Mochrum; William St. Clare in Gosfoird; Laird of Gastoun; Robert Gray Burges of Edinburt.; John Stoddart Burges of Edinburt.; Williame Strang; James Freeman Burges of Edinburt.; Heugh Brown yair: Charles Geddes; John Watson; James Aickman.

And imeadiately aftir the chesing and swering of the saids personis of assys, as use is, the foresaid John Hepburne, John Haye, William Powrie, and George Dalgleish, being accusit be dittay, oppinly read in judgement, of the crymes following; and eftir the reding alswa in jugement of certane answeris and depositionis maid be thame of before at particular examinationis of yame upon ye saidis crymes, quhilks yai recognoscit, and confessit to be of verity in presence of the saidis person is of assys, is the said personis of assys removit furth of the said court, and all togiddir convenit and ressonit upoun the pointis of the said dittay, togiddir with ye saidis depositionis, and syne being yairwith rypely avysit, reinterit in the said court of justiciarie, and yair, in presens of the said justice-depute, be yair deliverance pronouncit and declarit be ye mouth of the speiker John Lochart of the Bar, chancilar of the said assys, fand and deliverit the saids Johne Hepburne, John Haye, Williame Powry, and George Dalgleish, to be culpable, fylit, and convict of art and part of the cruel, shamefull, tresonabill, and abhominabill slauchter and murther of umquhill the kingis grace, fadir to our soverane lord, in his awin ludging for the tyme, within the Burgh of Edinburt, besyde the Kirk of Field, quhair he was lyand in his bed, taking the nychts rest,

treasonably risand fyre within the same, with ane grite quantitie of pouder, through force of the quhilk the said haill lugen wes raisit and blawin in the air, and his grace was murderit tresonably, and maist cruelly slane and destroyit by yame yarein: And als, for art and part of the crewall slauchter and murther of umquhil William Tailzor his graces servitour, and umquhil Andro Macaig, tresonably throw raising of the said fyre, as said is, committit in the cumpany with James sumctime erle Bothwell, now rebel, and declarit traitor in parliment, and at the horn, in the moneth of Februarie last bypast, under scilence of nycht, upon sett purposes, provisioun, and forthought felonye.

And thairfoir the said justice-depute, be dome pronuncit be the mouth of Andro Lindesay dempstare of the said court of justiciarie, decernit, ordanit, and adjudgit the saidis Johne Hepburne, Johne Haye, Williame Powrye, and George Dalgleish, to haif committit the crymes of tresoun and lese majestie; and as manifest traytours to be demanit as followis, that is to say, the said Johne Hepburne, Johne Haye, William Powrye, to be hangit to the deid on ane gibbet at the mercat croce of Edinburt, and yair heddis, leggis, and armis to be cuttit from yair bodies, and put up and hangin (as for example) on the portis of Edinburgh, and vther portis of the principall borrowis of yis realme, and yair bodies to be brynt and consumit in fyre besyde the said gibbet. And the said George Dalgleish to be hangeit to the deid, and his heid to be cuttit fra his bodye, and put upon the port of Edinburgh. And siclyke, decernit and ordanit the saidis personis, and ilk ane of yame, to haif foirfaulted and tynt all and sundrye yair landis, heritages, possessionis, takis, steddingis, lyferentis, actionis, debtis, and all vthers yair guds, moveables, and unmoveables, to be inbrocht, and remaine with our soverayne lord, as his escheat.

Extractum de libro actorum adjournalis S. D. N. Regis, per me Johannem Bellenden de Auchinoule, militem, clericum justiciariæ ejusdem generalem, sub meis signo & subscriptione manualibus. Joannes Bellenden, *Clericus Justiciariæ.*

The Confessioun *of John Habroun, young Talla, Dagleish and Powrie, upon quhom was justice execute the 3d of Januarie, the yeare of God* 1567 *.

John of Bowton confessit that nyne was at the deid doing, my lord Bothwell, the lord of Ormistoun, Hob Ormistoun, himself, Talla, Dagleish, Wilson, Pourie, and Frentch Paris, and that he saw na moe, nor knew of na other companies.—Item. He knowis nat other but that he was blowin in the ayre, for he was handilit with na mens' handes as he saw, and if he was, it was with others and not with tham.—Item. As touching sir James Balfour, he saw not his subscriptioun, but I warrand you he was the principall counsallar and deviser.—Item. He sayd, I confesse it is the veray providence of God that hes brought me to his judgement, for I am led to it as an horse to the stall, for I had schippis providit to flie but coulde not escape.—Item. He sayd, let no man do evill for counsall of great men, or thayr maysters, thinking thay shall save tham, for surely I thought that night that the deid was done, that although knowledge should bene gotten, na man durst have sayd it was evill done, seing the hand writtis and acknowledging the quenis mind thairto.—Item. Speaking of the quene in the Tolbuith he sayd, God make all weill, but the langer deirt is hydden, it is the stronger. Quho lives, our daithes will be thought na newis.—Item. Himmest he confessit, he was aue of the principall doers of the daith, and thairfoir is justly worthy of daith, but he was assurit of the mercy of God, quho callit him to repentance.

Item. Talla confessit *ut supra*, agreing in all pointes as concerning the parsons, number, and blowing in the ayre.—Item. He affirmit, that in Setoun my lord Bothwell callit on him and sayd, quhat thought you quhen thou saw him blowen in the ayre. Quho aunswerit, alas! my lord, quhy speake ye that, for quhen ever I heare sic a thing, the wordes wound me to death, as they ought to do you.—Item. That same tyme he saw sir James Balfour put in his owne name and his brother's unto my lord Bothwelles remissioun.—Item. He knew of the deid doing three or four days or it was done, or thereby.—Item. He sayd, after that I came to the court, I left the reading of God's worde and imbrasit vanitie, and thairfoir hes God justly brought this on me.—Quhairfoir let all men flee evill cumpany, and to trust not in men, for redy are we to imbrace evil, as redy as hardes to receiye fyre. And furthur, in the Tolbuith he requirit John Brande, minister of the congregation, to passe to my lord Liudsay, and say, my lord, hartily I forgeve your L. and als my lord regent, and all others, but specially tham that betrayit me to you, for I know if ye could have savit me ye would, desiring you, as ye will answere before God in the latter day, to do your diligence to bring the rest quho was the beginners of this worke to justice, as ye have done to me, for ye know it was not begunne in my head, but yit prayses God that his justice hes begunne at me, by the quhilk he hes callit me to repentaunce.

Item. Daglishe sayd, as God shall be my judge, I knew nothing of the kinges daith befoir it was done, for my lord Bothwell gangand to his bedde after the taking of of his hose, quhilke was stockit with velvet, French Paris cum and roundit with him, and thairefter he taryed on me for other hose and claithis, and his riding cloke and sworde, quhilke I gave him, and herefter cum up the gait to the lord of Ormistoun's lodging, and taryit for him, and therefter that he passit to ane wynd beside the Blacke Fryers, and come to the slope of the dike,

* Buchanan's Detection. English edit.

quhaire he gart me stand still; and as God shal be my judge, I knew nathing quhill I heard the blast of powder; and after this he cum hame, lay downe in his beid, quhill Mr. George Hakit cum and knockit at the doore, and if I dye for this, the quhilke God judge me gif I knew maire, quhat shal be done to tham quho was the devisers, counsallars, subscrivers, and fortifiers of it.

The Evidence *of Thomas Nelson concerning the Murder of King Henry Darnley.* Marked with Secretary Cecil's hand.*

Thomas Nelson, sumtyme servand in the chambir to wmquhill King Henry of guide memory of Scotland, examinat upoun his conscience, declaris that he was actuall servand to the king the tyme of his mwrthour and lang of befoir, and came with him frome Glasgow the time the quene convoyit him to Edinburgh. Item. The deponar remembris it wes dewysit in Glasgow, that the king suld haif lyne first at Craigmyllare: bot because he had na will thairof the purpois wes alterit, and couclusioun takin that he suld ly besyde the kirk of feild, at quhilk tyme this deponir belevit evir that he suld haif had the duikis house, and knew na uther hous, quhill the king lychtit, at quhilk tyme he past derectlie to the said duikis hous, thinking it to be the lugeing preparit for him: bot the contrare was then schawin to him be the quene, quha convoyit him to the uthir hous, and at his cuming thairto, the schalmer wes hung, and ane new bed of black figurat welwet standing thairin. The keyis of the lugeing wes partlie standing in the durris, and pairtlie deliverit to this deponir be Robert Balfour awnir, all exept the key of that dur, quhilk passit throuth the sellare and the town wall, quhilk could noht be had, and thairfore Bonkle in the sellare said, he suld clois it weil aneuch within, quhilkis keyes wes keppit and usit be this deponir, and utheris the kingis servandis, quhill the quenis cuming to the lugeing, at the quhilk tyme, the key of the laich chalmir undir the king quhair sche lay tua nytis, viz. the Wednisday and Fraday befoir his murthour, with the key of the passage that past toward the gardin, wer deliverit in the handis of Archibald Betoun, as the deponir remembiris, quhilk Archibald wes yscheare of the quenis chalmer dour, befoir quhilk tyme of the quenis lying in the kingis lugeing the tua nytis above namyt, sche causit to tak down the uttir dour that closit the passage towart baith the chalmeris, and causit use the samyn dour as a cover to the bath fatt quherin he wes baithit: and sua ther wes na thing left to stope the passage into the saidis schalmiris, bot only the portell durris, as alsua sche causit take doun the said new blak bed, sayand it wald be sulzeit with the bath, and in the place thairof sett upe ane auld purple bed that wes accustomat to be carit, and the saidis keyis that wer deliverit in the the handis of Archibald Betouu remanit still in the handis of him and utheris that awaitit upon the quene, and nevir wer deliverit agane to the kingis servandis: for sche sett upe ane grein bed for hir self in the laich chalmir quherin sche lay the saids tua nytis, and promist alsua to haif bidden thair upoun the Sounday at nyt. Bot eftir sche had tareit lang and intertenit the king verey familairlie, sche tuk purpoise, (as it had bene on the suddan) and departit as sche spak to gif the mask to Bastyane, quha that nyt wes mareit hir servand; namelie, the said Archibald Betoun, and ane Paris Francheman havand the keyis of hir schalmir, quherin hir bed stuid in, as alsua of the passage that past towart the gairding: for quhen the quene wes thair, hir servandis had the keyis of the haill houss, and durris at hir commandement, for upon the nyt sche usit with the lady Rereis to ga furth to the garding, and ther to sing and use pastyme, Bot fra the first tyme that sche lay in that lugeing, the kingis servandis had nevir the key of hir said chalmir agane. The quene being departit towart Halyrud hous, the king within the space of ane hour past to bed, and in the chalmer with him lay wmquhill William Taylyour. This deponir and Edward Symonis lay in the litill gaylery, that went dervict to sowth oute of the kingis schalmir, havand ane windo in the gawill throw the toun wall, and besyde thame lay William Tailzeir's boy, quhilks nevir knew of ony thing quhill the hous qhuerin thay lay wes fallin about thame: oute of the quhilke how sone this deponir could be red, he stuid upoun the rwynous wall quhill the pepill convenit, and that he gat claithis and sua depairtit, quhill on the Monounday at efter none he was callit and examinat, and amang utheris thingis wes inquirit about the keyis of the lugeing, this deponir schew that Bonkle had the key of the sellare, and the quenis servandis the keyis of hir schalmir: quhilk the laird of Tulybardin hering said, hald thair, heir is ane grund, eftir quhilk wourdis spokin thai left of and procedit na farther in the inquisition.

Letter from Lord Hundsdown to Sir William Cecil, from Berwick, 30th August, 1569*.

Wherein he says he received a letter of the 23rd of August with the Q. Majestys letter, and my lady Lennox packet, and towching Paris, he was put to death a fortnight since, and so was Stewart, who was king of heralds, which had determined to kill the regent, but he was forgiven for that, and was burnt for conjuration and witchcraft.

Letter from Murray to Elizabeth, without date.

Please it your majestie, I have of lait ressavit three letters of your hienes, the first by my servant Alexander Hume, the next from ane Mr. Tho. Flemyng, and the third be my lord governour of Berwicke, for the differing of the executioun of death upoun ane Paris Franshe-man.

* iv. Anderson, p. 165.

* From Anderson's Notes of Letters in the Paper Office.

As to that quhilk your majestie writtes of ane Paris, a Franshman, partaker w th Ja. sumtyme E. Bothwele, in the murther of the K. my soverains fader, trew it is, that the said Paris arrivit at Leyth about the middes of June last; I at that time being in the north partes of this realme far di-tant, quhair upon it followed, that at my returning, efter dilligent and circumspect examinatioun of him, and lang tyme spent in that behaulf, upoun the 16th day of August bypast, he sufferit death by order of law, so that before the recept of your hienes letter be the space of 7 or 8 dayes, he wes execute. Otherwyse your majesties requisitioun towardis the diferring of his executioun by way of death suld have been maist willingly obeyed, the same bringing and with it sa gude reason. Bot I trust his testimonie left sal be fund sa authentik, as the credit thairof sall not seame doubtfull neyther to your hienes, neyther to thame quha be nature hes graitest cause to desire condigne punishmeut for the said murther.

DEPOSITION *of* PARIS, *Servant to the S. Q. and present at the Murder of her Housbonde**.

S'ensuyt la DECLARATIONS et DEPOSITION de Nycollas Haubert dict Paris, Paresien, touchant la morte et meutre du feu Roy Henry d' Escosse: au meurtre duquel le dit Haubert estoit present, avec le Conte de Boduel et les autres ses adherens; Ceste deposition fut faicte a Sainct Andrieu, sans ce que le dit Paris fut contraint ni interrogué, de son propre mouement et voulloir pour s'en descharger comme il deist, et ce le ixme. jour d' Aoust, 1569.

Et primierement, il deist,

JE confesse icy devant Dieu et le monde que le Mercredy ou le Jeudy apres disner de la sepmain donct le dict meurtre du feu Roy fut commis, moy estant en la chambre de la Royne à Kerkafield, en compaignye de pluesieurs aultres attendant la Royne, qui estoit à la chambre du Roy, Mons. de Boduel vint à la chambre de la Royne la ou j'estois, et me deist en l'aureille, Paris, ie me trouve mal de ma malladye que tu sçais qui est mon flux de sang, ne sçais-tu point quelque lieu la ou ie porray aller faire mes affaires? Ma foy, ce dict-ie, je ne fut jamais icy qu'à ceste heure-cy, mais ie m'en vois chercher quelque lieu. Là-dessus ie trouve ung coing ou trou entre deux portes et le va dire, Mons. vences-vous-en, sy vous estes otant pressé; et estans la dedans, ie ferme la porte sur nous, et luy oste sa robbe, commencant à le destascher. Il me regarde, et me demande comment ie me portoys? luy disant que ie me portoys bien, la grace a Dieu et a luy, me tenant pour bien recompense du service que luy avois faict de m'avoyer faict donner l'estat de varlet de chambre ches la Royne. Il me respondist que ce n'estoit pas asses, et qu'il me feroit davantage. Je luy dis que ie me contentois, et que ie ne pouvoys davantage a la maison de la Royne, voyant mon equalite, et que ie me contentois. Il me dict que ie ne chomneroys de rien que ie luy dise, car disoit-il, tu m'ais faict bon et loyal service depuis que tu m'a servy; car ie sçay que tu as couvert mon deshonneur que tu avois occation de foulller quant tu vins de mon service hors d'Angleterre. Mons. ce dict-ie, ie nay faict que tor de serviteur. Et bien, ce dict-il, pour autant que ie t'ay trouvé fydelle serviteur, ie te veulx dire vne chose, mais il te fault garder sur ta vie que nul ne le sache. (Mons. ce di-ie) il n'apertient au serviteur quant le maistre luy dit quelque chose de le reveler, et s'y est chose que vous penses que ie ne puise garder, ne me le dictes point. Sçais tu (ce dict-il) que cest; cest que sy ce Roy-là qui est la d— a jamais les pieds sur nous aultres seigneurs, il nous voult dominer et estre cruel, et de nous autres sieugneurs ne le voullons pas souffrir, et aussy ce n'est la façon de ce pais, et pour cela nous avons conclud nous aultres de le faire sault—de dedans ceste maison eu l'air avecques de la pouldre, de oyant ie ne le dis mot ains baisse la veue basse mon sens et mon cueur ce tourne de l'avoyr ouy ainsy parler. Il me regarde, me demandant que ie pense? Mons. (ce di-ie) je pense à ce que vous me dictes, qui est une grand chose. Qu'en pense tu? (ce dit-il) Que j'en pense, Mons.? (ce di-je) vous me perdonnerez sy ie vous die selon mon pouvre esprit ce que i'en pense. Que veulx tu dire? (se dit-il) tu veulx prescher. Non, Mons. vous orres. Et bien (se dit-il) dis, dis. Mons. (ce di-je) depuis cinq ou six ans que ie vous ay faict service ie vous ay tousiours veu en grands troubles, et n'ay sceu jamais voyr d'amis qui ayent faict pour vous; maintenant, Mons. vous estes hors de tous ces troubles, la grace à Dieu, et plus en court à ce que tout le monde dict que jamais; pour ma part ie voye que chascung vous faict la court, petis et grands, mais ie ne scay pas que vous rit qui vous veult veoyr aultrement, ie ne scay pas vous estes du pais Mons. Davantage i'on dict que vous estes le plus grand terrien de ce pais icy, et aussy que vous estes marie qui est l'heure quant vng homme prend ce ply la que il ce fault arester ou jamais. Maintenant, Mons. sy vous entreprenes ceste chose-là qui est grande, ce sera le plus grand trouble que vous eustes jamais, par dessus les aultres, car chascum cryera ha harault sur vous, et vous le voyres. Et bien (ce dict-il) as-tu faict? Vous me perdonnerez, Mons. s'il vous plaist, sy ie vous ay diest selon mon pouvre esprit (ce di-ie). Et beste que tu es (ce dict-il) pense tu que ie fay cecy tout seul de moy mesme? Monsieur, ie ne sçay pas comment vous le faictes, mais ie sçay bien que ce sera le plus grand trouble que vous eustes oncques. (Ce dict-il) et comment sera-ce? car i'ay disia Leddington qui est estymé l'ung des meilleurs espricts de ce pais-cy, et qui est l'entrepreneur de tout cecy; en apres j'ay Mons. d'Argyle mon frere, Mons. de Hontlye, Mons. de Morton, Ruthen, et Lindesay. Ses trois-là une foys ne me fauldront jamais, car j'ay parlé

* Bib. Cott. sub. tit. Cal. B. ix. f. 370.

pour leur grace; et ay tous les signes de ceulx-cy que ie t'ay nommes, et aussy avons envie de le faire dernierement que nous fusmes à cragmiller, mais c'est que tu es un beste et pouvre d'esprit, qui ne merite d'entendre chose de consequence. Ma foy, Monsieur (ce di-ie) il est vray, car mon esprit n'est point pour telle chose, mais bien pour vous faire service a ce que ie porray, et bien bien Mons. ilz vous porront bien faire maistre et principall de ce faict-là, mais quant ce sera faict ilz porront aussy mettre le tout sur vous, et les premiers qui cryeront ha harault apres vous, et les ceulx qui vous bouteront le premier à mort, s'ilz peuvent. He! Mons., ie vous prie m'en dire d'ung que vos ne m'aves point nommé: ie sçay bien que cestuy-la est aymé en ce pais du commuen peuple, et aussy de nous autres François, que quant il gouvernoyt l'espace de deux ou trois ans, il n'avoyt point de troubles au pais, tout le monde ce portoit bien, l'argent corroit, maintenant on ne peult veoyr homme qui ayt moyen, et ne voyt-on que troubles; cestuy-la est sage et sy a des amys allies. Qui est certuy-la? (ce me dict-il). Cest Mons. (ce di-ie) Mons. le Conte de Morra: je vous prie me dire quelle part cestuy-la prend? (Ce dit-il), il ne se veult point mesler. Mons. (ce di-ie), il est sage. Adonc Mons. de Boduel retorne la teste vers moy et me deist, Mons. de Morra, Mons. de Morra, il ne veult n'ayder ne nuyre, mais c'est tout ung. Bien, bien, Mons. (ce di-le) il ne le faicte sans cause, et vous le voyrez. La-dessus il me commande de prendre la clef de la chambre de le le Royne à Kirkafilde. Je luy dis, Mons. vous me perdoneres, s'il vous plaist, pour autant que ie suis estrangier, et aussy que ce n'est mon estat, l'huyssier me porra demander que i'en veulz faire et il aura raison. Et pourquoy (ce dit-il) n'est-tu vallet de chambre de la Royne? Il est vraye, Mons. (ce di-ie) mais vouz sçavez qu'à la maison d'ung prince chasque officier à son office, et entre les autres l'huyssier a le sien, l'estat duquel est de garder la clef de la chambre. Pourquoy donc (ce dict-il) t'ay-ie mis à la chambre de la Royne sy non pour en tyrer du service? Helas! Mons. (ce di-ie) c'est bien pour vous faire service à ce que ie porrois, mais ie pensois en moy mesme sans rien dire (le craignant) si j'eusse pensé telle chose, iamais la chambre ne m'eust chambree. La-dessus il s'en alla de moy de ce trou ou coing-la, ou il avoit faict ses affaires. Luy estant party de moy, je prens mon manteau et mon espee et m'en voys pormener dans la grand esglise, et pensoys en beaucoup de fortunes que j'avoys du passé eschapies de luy, et commencois à remercier Dieu qui m'avoit delyvré d'aveques luy, luy demandant du bon cueur d'estre hors de sa compaignie pour attant que ie congnoyssois ses vices fort terribles, et principallement ung donct l'on dict que j'en suis sy bon serviteur, me reportant à Dieu, qui congnoit ce que luy en ay dict, comment ce seroyt sa ruyne. Plus de six ans il y a, et qu'il soit ainsy qu'on demande au lard de Petincrief, qui a ouy parler pourquoy je sortis de son service hors d'Angleterre; il me battist et me tormentast à coups de pied sur le ventre, pour me faire faire chose que ie n'avoys envie de faire, donct il m'en a remercié en Escosse, que i'avoys couvert son honneur la ou i'avois occasion de le foulter. Apres avoir pensé à tout cela pour me resouldre de ce faict meschant que i'avoys entendu et qu'il m'avoyt dict, ie demande à mon Dieu, qu'il me conseillast voyant le faict sy grand il estonnoit mon esprit; et que sy à ceste heure-la Mons. du Croque eust esté en ce pais, ie n'eusse point esté en ceste peine icy. Quant ie vis qu'il ny avoit aultre remede que d'avoyr patience, et qu'il ny avoit chemin pour m'en aller sy non par Angleterre, la ou j'eusse esté prins et arresté per faulter de passeport, et aussy que cest trahayson contre le prince au serviteur de s'en aller sans congé, et aussy que ie ne sceu prouver pourquoy ie m'en allois sy non per Mons. de Bodrel qui ne m'eust iamais advoue; voyant comme chascun peult pensier que cela gysoit beaucoup à son honneur, et à des aultres Seigneurs à ce qu'il me disoit. Or doncques ce chemin-la ne me valiut rien, je me resoulz dessus ung poynt que sy ce meurtre ce feroit de brief c'estoit ma ruyne, pour autant que ie congnoyssois l'homme qui n'eust iamais failli de moy commander, et s'il y auroit dix ou douze jours entre deux, j'auray esperance de bien faire, car s'il va navire de quelque coste que se soyt, qu'ep Angleterre j'estoys delibere de me desrober pourquoy ie me resoulz au sortier de l'esglise de scavoyr de luy quant ce seroyt. De Vendredy donc ques ie m'en vois à luy sortier de sa chambre, comme il alloit chez la Royne, et aussytot qu'il me veist il me demande sy ie avoys prins ceste clef. Je luy dis que je regarderoys a le faire; il me dict que je ne faillisse dont point, car c'estoit à Dymanche qu'ilz voulloyent faire à mettre leur faict en execution. A ceste heure-la je sors d'avecques luy plus fasche que iamais, et m'en vais sur le chemin du petit Leith tout exprez pour trouver navire; et quant ie fus a moytie chemin ie dysoys en moy-mesme, or est-il bon a voy que tu as l'esprit bien perdu, pour autant qu'il ny a plus que de main entre deux, quant ores le vent seroyt bon, as-tu la puissance de louer ou fretter une navire tout seul ou expres; la-dessus ie m'oste du grand chemin et me destorne à part, priant Dieu de me conseilleir, car de faire bruyt de cela j'estoys mort. Ceste jour-la ce passe en ce point, et aussy le Samedy toute la matynée. L'apres disner il me demande encores ceste clef; je luy dis, Mons., helas! comment le feray-je? Pourquoy (ce dict-il) qui t'en gardera? N'es-tu pas serviteur de la Royne? Il est vray, Mons., mais ce n'est point mon estat de prendre les clefs. Mais dy moy (ce dict-il) et pourquoy? Une foys ie ne le veulx rien commander en ce faict-la. J'ay des clefz asses sans toy, car il n'y a porte ceans donct je n'ay le clef, car Mons. Jacques Balfor et moy avons esté toute la nuycte pour veoyr et chercher le meillieur endroit et passage pour executer nostre affair, et pour trouver bonne entree; mais ceste qui tu

es une beste, car ie ne te veulx employer en ce faict-la, car j'ay des gens assez sans toy, et aussy que je sçay que tu n'as point de cueur. La-dessus ie entre en la chambre de la Royne, la ou Marguerite et quelques aultres estoyent attendantz la Royne, qui estoit en la chambre du Roy. Adonc le bruyt vint incontenent que la Royne s'en alloyt à l'Abbaie; tout le monde sort hors de sa chambre, et moy le dernier, prenant la clef de la dict chambre, et m'en voys à l'Abbaie apres elle, la ou je trouve Mons. de Bodvel, qui me demande sy j'avoys ceste clef. Ouy, Mons. (ce di-ie). Il me commande de la garder. Au bout d'une heure Marguerite me prie d'aller à Kirkafield querir une couverture de maytres à la chambre de la Royne, ce que je fais et prens ung garson avecque moy et entre en la dict chambre, en presens de Sande Duram le jeune, et le porte-faix du Roy, et feis emportier la dite couverture, le dict Duram me demande la clef. Ie luy dis que ce n'estoit pas à moy à la donner, mais bien à l'huyssier, luy pryant de me perdonner. Bien, donc (ce dict-il) puisque ne le me voullez donner. Ladessus ie m'en vins à l'Abbaie à la chambre de la Royne et delivre la couverture à Marguerite, ceste jouer-la de Sabmedy estant ainssy passé, je m'en alloys me coucher.

Le Dymenche matin ie me leve à six heures, et m'en vois pormener dedans le parc, et en ung vallon ie me metz à prier Dieu, et luy demander conseil de ce faict meschant, car ie n'ay sceu trouver aultre moyen que de laisser couller l'eau du russeau qui estoit sy ord, en apres m'estant resolu, ie m'en retourne a l'Abbay, la ou ie trouve troys officiers de la Royne, et m'en allay desieusner quant et eulx, et m'en revins a neufue heures à la chambre de la Royne, la ou l'oye nouvelle que Mons. de Morray venoit prendre son congé de la Royne pour aller veoyr Madame sa femme: moy entendant ceste parolle l'aperseu incontynent qu'il le fasoit pour se destorner de se faict meschant. La-dessus ie m'en allois me pormener Lastarik et m'en vois soubvenir des parolles que j'avoys dictes du dict Seigneur de Morray à Mons. de Bodvel, et aussy ce qu'il m'en avoit respondu. A ceste heure-la ie dis en moy mesme, O Mons. de Morray tu es homme de bien, pleust à Dieu que tu sceus mon cueur, je n'auray pas tant de mal que j'ay; et ayant bien pense je m'en revins à la chambre de la Royne, la ou elle alloit disner auz noces de Bastien; toutesfois je m'en allay disner à la ville et apres disner me pormener, et estant revenu j'entendis que la Royne alloyt souper chez Mons. d'Argylle, la ou j'estois derrier elle luy servant desciant, et comme elle lavoyt ses mains apres souper, elle me demande sy j'avoys osté la couverture de maytre de sa chambre au logis du Roy? Je luy dis qu'ouy; lors les seigneurs se levent de table, donc Mons. de Bodvel m'appelle, et me méne seul avecques luy au logis de sa mere, la ou il ne fust gueres qu'il s'en alla au logis de Lard d'Ormiston, parler à luy et à son frere Hobe, et nous prend tout troys avecques luy et s'en va à Cougait et parle à Jehan Hay et à Jehan Hepbron' qu'il trouve à la rue. Apres avoir parle à eux' il s'en va tout seul et moy au logis du Roy, et à mye chemin au logis il me dict, or sçais-tu qu'il y a, tu t'en yras à la chambre de la Royne à Kirkefield, et quand Jehan Hepbron, Jehan Hay, et le Lard Ormiston entront, et qu'ilz auront faict ce que ilz ont envie de faire, tu sortyras et t'en viendras àla chambre du Roy, ou tu t'en yras la ou tu vouldras. Helas! Mons. (ce di-je) vous me commandes ma mort. Et pourquoy (ce dict-il) te commande-je de faire quelque chose? Il est veritable, ce di-je, Mons. mais ie sçay bien que cest ma mort. Mais dis moy pourquoy (ce dict-il) sy ie te commandois de faire ce que les aultres font, tu le pourroys dire, mais ie sçay bien que tu n'as point de cueur; une fois les aultres n'ont que faire de toy, car ilz entront bien sans toy, car ilz ont des clefz asses; il n'y a porte ceans donct ilz n'ent ayent les clefz. Bien, Mons. (ce di-ie) ie m'y en voys. La-dessus il se departe de moy et s'en vais au logis du Roy, et entre en sa chambre, la ou estoyt la Royne et aucuns des Seigneurs, et ie m'en vins à la petite court, entre à la cuisine demandant une chandelle au cuysynier que j'alumis. Sur ces entre faictz voicy Jehan Hebron et Jehan Hay qui entrent en la chambre, la ou i'estois et portoys de la pouldre dedans des sacz qu'ilz misrent au milieu de la dict chambre. En ce faysant voycy Mons. de Bodvil, qui survient et parle au eulx dysant, mon Dieu que vous faictes de broyt, on oyt d'enhault tout ce que vous faictez, et ainsy me regarde et me demande ce que ie faysoys, et que ie m'en allasse à la chambre du Roy apres luy, ce que je feis, et me trouve aupres de Mons. d'Argylle, avec qui Mons. de Bodvel parloit, et le dict Seigneur d'Argylle m'accaroyssoyt et me touche sur le dos sanz me dire mot. Et n'estant en la chambre du Roy la longueur d'une pater noster que la Royne s'en va vers l'Abbaye et monte là ou estoit les nopces, et moy ie m'en vois en ung coing la ou Mons. de Bodvel me vint trouver, me demandant ce que j'avoys d'ainsy faire la myne, et que sy ie la faysoys ainsy devant la Royne, qu'il m'accoustroit en telle façon que ie ne fus iamais. Ie ne m'en soucye pas (ce di-ie) que vous faictes de moy à ceste heure-cy, vous priant me donner congé de m'aller coucher, car ie suis mallade. Non, ce dit-il, veulx que vous veniez avecques moy; voullez vous laisser ces deux gentilhommes-là Jehan Hay et Jehan Hepbron? Helas! Mons. ce di-ie, que feres vous davantage pour moy, car mon cueur ne me peult servir à telle chose? Je veulx que vous veniez (ce dict-il) bien donc Mons. (ce di-ie) allons. La-dessus il s'en va à sa chambre changer d'habillementz et prend le tailler et moy avecques luy, et s'en va au jardin du logis du Roy, la ou le tailleur demeure à la muraille. Et moy aupres, le dict Seigneur de Bodvel s'en va à la porte du jardin, et puis revint vers nous, la ou Jehan Hepbron et Jehan Hay s'en veindrent et incontynent comme ilz avoyent parlé à luy, voyla comme ung tempeste

ou ung tounoyre qui va eslever, de la peur que j'eu ie cheus en terre les cheveulx dressés comme allaines dysant, helas! Mons., qu'est ce cecy? Il me dicte, je me suis trouve à des enterprises grandes, mais iamais enterprise ne me feit sy grand peur que cestycy. Je luy dis, per ma foy, Mons., de telle chose que cecy il n'en viendra iamais bien, et vous le voyres. O beste (ce dit-il) me menacent de me fraper de sa dague, mais ne la tire point. Là-dessus il commence à s'en aller bien viste, et nous apres luy, et s'en cuydoit aller per Leyth Wynd, mais il ne sceut. Il envoya donc Hepbron parler à portier pour ouvrir la porte, et qu'aussy le monde comencoyt à venir, il s'en va per derrier le Cannongait, et Jehan Hay et moy nous en allasmes la grand rue. Ie disoys à Jehan Hay à telle chose que cecy n'en adviendra iamais bien. Il est vray (ce dit-il) nous avons bien offencé Dieu, mais il n'y a remede, il se faulte monstrer verteux et prier Dieu. Helas! (ce di-je) Mons. m'a menacé de me frapper de sa dague, mais je vouldroys bien qu'il l'eust faict pour mon honneur. Paris, ce dict-il, prenes en patience, car vous congnoysses bien l'homme. La-dessus ie m'en allay coucher dans mon lict et luy au sien, mais je ne sçay ou, moy estant levé le Lundy matin envyron sept ou huyt heures, je m'en vins à la chambre du dit Seigneur de Bodvel, et incontynent qu'il me voyt il me demande que i'avoys à faire la mine? Je luy dis que j'avoys que jamais or n'y argent ne me remettroyt en point que i'estoys. Pourquoy? (ce dict-il) Porce, Mons. que ie scay bien que je sera pris pour le principall de ce faict-cy. Ha! ouy (ce dit-il) tu es bien homme que ie vouldroys bien prendre pour ung tel faict. Ladessus il s'en va en bas en une chambre et m'envoye querir par le dit tailler la ou il avoit en la chambre le Lard Ormeston, Hobe Ormiston, Jehan Hepbron Daglische, Porrey et moy.

Mons. de Bodvel me demande que j'avoys à faire telle mine, et sy i'avoys promis quelque chose au Roy, et s'il estoit mon maistre? Non, Mons. (ce di-ie). Et voye-tu point (ce dict-il) ces gentilhommes qui ont terres, rentes et revenues, femmes et enfans, et ont tout vollu abandonner pour me faire service, et si tu pense avoir offencé Dieu, le peche n'est en toy, cest à moy, car je t'ay commandé, et tu ne scroys estre repris de ce faict, car ce sont les Seigneurs mesmes de ce pais, avec moy, qu'avont commis le cryme, et vouldroys qu'il meust coste oo...escus et ne t'en avoyr iamais parlé. Per ma foy, Mons. (ce di-ie) ie la vouldrois bien, or bien Paris il se fault monstrer verteux, et pour toutes ies irbeues du monde, il ne fault rien dire, et s'y vous avez envie de vous en aller, vous vous en yres bientost, et du depuis ie l'ay demandé congé plus d'vne demye dousaine de fois, et ne le scue iamais avoyer; et voyla tout ce que ie say touchant ce faict.

A Sanct Andre le dixieme jour d' Aoust, 1569, Nicholas Howbert dict Paris a esté interrogué sur les Articles et Demandes qui s'ensuyent, &c.

Et premierment; Interrogue quant premierment il entra en credit vers la Royne. Responce que ce fust comme la Royne estoyt à Callendar allant à Glascou, qu'alors elle luy bailla une bourse la ou il avoit environ 3 ou 4 cens escus, pour la porter à Mons. de Boduel, lequel, apres avoir receu la dicte bourse sur le chemyn entre Callendar et Glascou, luy dict que le dict Paris s'en allast avecques la Royne, et qu'il se tint pres d'elle, et qu'il regardast bien à ce qu'elle feroit, luy dysant que la Royne luy donneroyt des lettres pour les luy porter; la Royne estant arryué à Glascou luy dict, je t'envoyeray à Lislebourg, tiens-toy prest, et ayant demeure la deux jours avecques la dict dame, laquelle escript des lettres et luy les baille, dysant, vous dires de bouche à Mons. de Boduel qu'il baille ces lettres qui s'adressent à Mons. de Ledington à luy mesmes, et qu'il parle à luy, et voyes le parler ensemble et regardes la façon de faire, et quelle mine ilz feront, car c'est, ce disoyt-elle, pour savoyr lequel est meillieur pour loger le Roy à Craigmiller ou à Kirkafeild, affin d'avoyr bon air; car, s'il logoyt à l'Abbaye, le Prince pourroyt bien prendre sa malladie, à cause que ses serviteurs ne pourroyent leur en garder d'aller veoyr le Prince: en oultre qu'il dict au dict de Boduel que le Roy la voulloyt baiser, mais elle ne pas voullu de peur de sa malladye, chose que Reress en tesmoigneroyt bien. Et plus (ce dict-elle) vous dires à Mons. de Boduell que je ne ja vamais vers le Roy que Reress n'y est, et voyt tout ce que je fais. Item, la Royne luy dict, Paris hastes-vous de revenir, car je ne bougeray dicy jusques au temps que vous m'aures raporté la response.

Estant le dict Paris arryvé à Lislebourg trouve le dit de Boduel en son logis a l'Abbaye. lequel luy dist, ha! Paris, tu es le bien venu Mons., ce dict-il, voycy des lettres que la Royne vous envoye, et aussi à Mons. de Liddingtoun, vous pryant de les luy delivrer, et que je vous vis parler ensemble, pour veoyr vos façons de faire, et comment vous vous accordies ensemble. Fort bien, ce dict-il, car j'ay ce jourdhuy parlé à luy, et luy a donné une haquence. Le lendemain le dict Paris dict qu'il vint au logis du dit de Boduel par troys foys le chercher à 8, 9 et 10 heures, et ne le sceut jamais trouver, mais à la fin Powrye le portier luy vist, qu'il l'allast chercher à la haulte ville, que peraventure il le trouveroyt en quelqz lieu au conseil, et l'ayant cherché il voyt venir une troupe de gens de vers le Kirkafeild, la ou estoyt le dict Seigneur de Boiduel et Mons. Jacques Balfour, coste a coste ensemble, lequelz s'en alloyent disner au logis du dict Mons. Jacques. Le dict Paris prya Mons. de Boduel de le despescher vers la Royne. Apres disner (ce dict-il) je le feray; et quant il reretourna querir sa despesche apres disner, il trouve le Seigneur de Boiduell et le dict Mons. Jacques seulz teste a teste en une chambre, et le dict Seigneur de Boiduel qui escrivoit de sa propre main, et apres avoyr faict, il dist à Paris, voyla ta responce, retourne t'en à la

Royne et me recommendes bien humblement à sa bonne grace. et luy dictes que tout yra bien, car Mons. Jacques Balfour et moy n'avons dormis tout la nuyte ains avons mis ordre en toute, ot avons apreste le logis, et dictes à la Royne que je luy envoye ce dyamant que tu luy porteras, et que s'y j'avoy mon cuetur je le luy envoyeraye tresvolluntiers, mais je ne l'ay pas moi. Va t'en à Mons. de Ledington et luy demandes s'il veult rescrire à la Royne, ce que le dict Paris faist, et le trouve à la chambre des comptes, et luy demande s'il plasoyt rendre la response aux lettres de la Royne que Mons. de Boduel luy avoyt baillies. Ouy (ce dit-il) et la-dessus il prend du papier incontinent et escript, et ayant faict le dict Paris luy dict que la Royne l'avoyt commande de luy demander lequel des deux logis seroyt le millieur pour le Roy, car elle ne bougeray dela jusqu'à ce qu'il l'auroit raporté sa responce. Le dit Letingtoun luy respondit que le Kirkafeild seroyt bon, et que le dit Seigneur de Boduel et luy avoyent advise ensemble la-dessus. Ainsy le dict Paris partit pour son aller à Glascou vers la Royne; et estant de retour à Glascou et avoyr faict son messaige qui luy estoyt donné des diz Seigneurs de bouche, la Royne luy demande s'il avoyst veu parler Messieurs de Boduel et Lethingtoun ensemble; dict que non, mais que Mons. de Boduel luy avoyt dict qu'ilz avoyent parlé de bon vysage ensemble, et que le dict Sieur de Lethingtoun estoyt du tout à luy, et que le logis estoyt prest. Item, comme elle retournoyt de Glascou vers Lisle-bourg avec le Roy à Kallendar, il s'adresse ung homme de Mons. de Boduel au dict Paris et luy baille une lettre pour la presenter à la Royne, ce qu'il feist, laquelle luy demanda s'y l'homme estoyt seur. Je pense, ce dit-il, Madame qu'il n'eust voullu vous envoyer homme qu'ill n'en fust seur. La-dessus en s'en allant coucher elle rescript une lettre, et y meist dedans ung anneau et la luy bailla pour la bailler au dict homme porteur, chose qu'il feist, pour la rapporter au dict Sieur de Boduel; apres le Royne et le Roy estans à Lythkow, elle dict au dict Paris qu'il voulloit mettre Guilbert Courlle vallet de chambre ches le Roy, pour ce qu'il estoyt de bon esprit, affin de veoyr ce que le Roy feroyt, car elle ne ce fyoyt point à Sande Duram. Du dict lieu Jehan Hay fust par elle despeché vers Mons. de Boduel, auquel elle parla asses long temps, en apres aussy Paris avec des brasseletz au dit Sieur Boduel (le dict Paris arryvent a Lisle-bourg luy baille les brasseletz) lequel Sieur estoyt prest de monter à cheval pour aller trouver le Roy et la Royne, avec lequel le dit Paris retourne au devant du Roy, lequel ils conduyrent jusques à son logis à Kirkafield.

Interrogué s'il savoyt aucun priveauté entre la Royne et Mons. de Boduel durant le temps que le Roy gysoit à Kirkafield: respond, que Mons. de Boiduel luy avoit dict que toutes les nuytz Jehan Hepbron feroyt le guet soubz les galleries à Sancte croyx, cependant que lady Reress yroyt bien taird le querir pour l'amener à la chambre de la Royne, luy deffendant, assavoyr à Paris, sur la vie de ne dire que sa femme estoyt avecques luy.

Interrogué s'il savoyt de l'entrepris du meurtre du Roy dupuis son arryvement à Kirkafield jusques au jour de l'execution: respond, que non aultrement que ce qu'il en a desia depose en sa desposition faite le neufieme de ce moys, en adioustant que le jour que Mons. de Boduel luy avoyt communiqué le faict de meutre du Roy, qui fust le mesme jour que la Royne couchast au logis du Roy à Kirkafeld, (ainsy comme il y en souvient fort bien) et comme le dit Paris voulloyt dresser le lict de la Royne en sa chambre qui estoyt droyt soubs la chambre du Roy, ainsy que Mons. de Boduel luy avoyt commandé lors qu'il parloyt avecques luy au trou la ou il le detascboyt pour faire ses affaires, le dict Sieur de Boduell deffendist au dit Paris de ne dresser le lict de la Royne droict soubz le lict du Roy, car je y veulx mettre la pouldre en cest endroyt-là ce dit-il. Et ceste mesmes nuyt-là apres que le lict fust dressé en la chambre de la Royne; ce que je fis au mesme endroyt la ou il me fust deffendu par le dict de Boduel, la Royne me dist, sot que tu es, je ne veulx pas que mon lict soyt en cest endroyt-là, et de faict le feist oster: par lequelles parolles j'ay aperseu à mon esprit qu'elle avoyt cognoyssance du faict. La-dessus je prins la hardiesse de luy dire, Madame, Mons. de Boiduel ma commande luy porter les clefs de votre chambre, et qu'il a envie de y faire quelque chose; c'est de faire saulter le Roy en l'air par pouldre qu'il y fera mettre; ne me parle poynt de cela ceste heure-cy, ce dict elle, fais en ce que tu vouldras. La-dessus je ne l'osoys parler plus avant. A ceste heure-cy je commence à consyderer que j'estoys employé en ce faict meschant, auparavant par parolles couvertes et desguysees estant envoyé de Glascou vers Mons. de Boiduel, pour scavoyr lequel des logis estoyent le meillieur, et par ce aussy qu'il m'a respondu alors, quant il me renvoye vers le Royne, vous la dires, sy elle vous demande ce que je fais, que j'ay veilié toute ceste nuyt et Mr. Jacque Balfour, pour aprester le logis du Roy. Estant interrogué sy la Royne passoyt plus oultre ceste nuyte sur ce purpos, la dict que non, mais le pressoyt apres plus fort que jamais de parler à elle de pourpos de Mons. de Boduel de sa femme et de aultres choses. Et estant couchee ne dormoyt point toute le nuyte, ains escryvout des lettres au dict Sieur de Boduel, et les envoye par le dict Paris au Sieur de Boduel, envyron onze à douze heures de nuyt, mais riens de creance. Et ayant delivré ceste lettre au dict Sieur de Boduel, il rescript estant au liet et en baillant la responce au dit Paris, il luy dict, dictes à la Royne que je ne dormiray point que je ne escheve mon entrepris, quant je deburoys trayner la picque toute ma vie pour l'amour d'elle.

Et estant de retour vers la Royne Vendredy au matin, luy ayant racompté ces mesmes parolles que luy avoyt dictes Mons. de Boiduel,

Et bien, Paris (ce dict-elle en ryant) il n'en viendra jamais sy Dieu plaist à ce poynt-là, et ce dysoyst-elle estant au lict. Et comme elle s'abilloyt le dit Paris prend les deux clefs de la chambre de la Royne selon le commandement du dit Sieur de Boduel, et les luy aporte. Lequel ayant faict sortir toute le monde de sa chambre, prend le clef d'ung coffre quil avoyt en sa pochette, et apres avoyr ouvert le dit coffre, en tire des aultres clefs contrefaicts toute neufues, et en regardant les unes aupres des aultres, dict à Paris, ha! ouy, elles sont bien; raporte celles-là, et il remeist les contrefaictes dedans le coffre.

Estant interrogué s'il scavoyt qui avoyt fait et baille les clefs contrefaictes au dit Sieur de Boduel: respond, qu'il n'en savoyt rien, sy non que le dit Sieur de Boduel luy dist qu'il avoit toutes les clefs des portes de ce logis-là, et que luy et maistre Jacques Balfour avoyent esté tout une nuyt pour chercher et savoyr la meilleure entree, comme il a desia deposé; mais cependant que le dict Paris estoyt absent avecques ces clefs, Archibald Bethon, huyssieur, demaude les clenz pour laisser sortir la Royne au jardin, et ne les pouvant trouver, la Royne en fust fasche, et dict tout haut à Paris à son retour, Paris pourquoy aves-vous emporté les clefs de ma chambre, lequel ne luy respondit mot sur l'heure; mais apres la trouvant a part luy dist, ha! Madame, pourquoy m'aves vous dict devant le monde que j'avoys pris les clefs de votre chambre, voyant que vous saves bien le pourquoy. Ha! ce dit-elle,. Paris c'est tout ung; ne te soucye, ne to soucye; et d'autant qu'il en pourroyt avoyr bon souvenance il dict, que ce Vendredy la nuyt la Royne coucha encores au logis du Roy, et luy renvoya derechef porter des lettres au diet Sieur de Boduel.

Interrogué s'il avoyt rien entendu de ce propos le Sabmedy au matim: respond que non, sy non que la Royne deist en presence de ceulx de sa chambre qu'il y avoyt eu quelque querelle entre le Roy et Mons. de Sancte Croix, lequel avoyt bon moyen à ceste heure-la de tuer le Roy, car il n'y avoyt en la chambre alors qu'elle pour les departir; et dict oultre qu'apres disner le dict Sieur de Boduel luy commande de prendre la clef de la chambre de la Royne, chose qu'il n'avoyt envie de faire, mais comme la Royne sortoyt de sa chambre elle le regarde, et luy commande de prendre la dit clef. Et au soyr la Royne estant à l'Abbaye, elle envoye le dit Paris vers Mons. de Boduel, luy commandant luy dire de bouche; alles vous en à Mons. de Boduel et luy dictes, qu'il me semble qu'il seroit le mieulx que Mons. de Sancte Croyx avec Guillaume Blakatre allent à la chambre du Roy, faire ce que le dict de Boduel sçait, et qu'il parle à Mons. de Sanct Croix touchant ce purpos, car il seroyt myeulx ainsy qu'aultrement, et pour ce n'en seroit qu'ng peu prisonnier dedans le chasteau. Apres avoyr le dict Paris racompé ce faict à Mons. de Boduel il luy dict, je parleray à Mons. de Sanct Croyx, et puis j'yray parler moy mesmes à la Royne. Le dit Paris n'a souvenance d'aultre chose que se feist ce jour-là, mais le reste est contenu en sa premier deposition jusques à ce que la Royne arryva en l'Abbaye, et Mons. de Boduel s'estant aussy retiré en sa chambre avec le dit Paris, survint Mons. de Honteley, en compaignye de deux ou troys serviteurs, et ce par le chemin derrier l'Abbaye qui menis droyt au logis de feu Mons. de Ruthuen; et apres qu'ilz avoyent parlé en l'oreille ensemble, comme Mons. de Boiduel avoyt desia commence de changer ses habillementz, le dict de Boduel deist apres au dit Paris, que Mons. de Honteley s'estoyr offert d'aller avecques luy, mais qu'il ne le voulloyt mener. Quant et luy, et apres que Mons. de Honteley se fust party pour aller coucher, le dict de Boduel prend le tailler et Paris avecques luy, comme il est dict en sa premiere deposition.

Le Lundy matin entre neuf et dix heures, le dict Paris dict qu'il entre dans la chambre de la Royne laquelle estoyt bien close, et son lict la tendu du noyr en signe de deuil, et de la chandelle allumer dedans ycelle la ou Madame de Brant luy donnoyt à desieusner d'ung oeuf frais, la ou aussy Mons. de Boduel arryve et parle à elle secretement soubz courtine. Ce jour-là Lundy, se passe ainsy sans ce que le dict Paris parle à elle. Mardy au matin elle se leue, et le dict Paris estant entré en sa chambre, la Royne luy demande, Paris qu'as-tu? Helas! ce dict-il, Madame, je voys que chascun me regarde de costé. Ne te chaille, ce dict-elle, je te feray bon vysayge, et personne ne t'osecroyt dire mot. Cependant elle ne le dict chose de consequence jusques à ce qu'elle voulloyt aller à Seton, alors elle luy demandast de prendre une cassette ou il y avoyt des corceletz d'escus que le thresorier luy avoyt aporté de France, pour la porter à la chambre de Mons. de Boduel, qui estoyt à ceste heure-là logé dedans le pallays, au dessus de la chambre la ou ce tenoyt le conseil; et puis apres luy commandast de prendre son coffre des bagues et le faire porter au chasteau, et le delyvrer entre les mains du Sieur de Skirling, pour lors cappitaine soubz Mons. de Boduel, chose qu'il feist; en apres elle voyant le dict Paris tout faché, elle pressoyt souvent de faire service à Mons. de Boduel, ce qu'il n'avoyt envie de faire, ains demandoyt souvent son congé, et voyant cela à la parfin elle luy dict, Paris, alles-vous consoller avecques Mr. Jacques Balfour; cest ung homme d'esprit, je m'y suis consolle par plusieurs foys et me consolle de present.

Item. Interrogué du premier pryveauté qu'il a cogneu estre entre la Royne et Mons. de Boduel: respond, que c'estoyt alors que le dit de Boduel conduysoit la Royne vers Glascou, quant elle aloyt querir le Roy. A Callender apres souper assez tard Lady Reress vint à la chambre de Mons. de Boduel et voyt le dict Paris la, et demande que faict ce Paris icy. Cest tout ung, ce dict-il, Paris ne dyra chose que je luy deffend de dire, et la-dessus elle

l'amene à la chambre de la Royne: cecy cestoyt le soyr devant que le lendemain la Royne l'envoya la bourse par Paris au dict Sieur de Boduel.

Item. En oultre il dict et declare, qu'envyron le temps que le dict de Boduel fust faict Duc, la Royne lui baillast le buffett et vesselle de l'argent de Monsieur le Prince la ou estoyt ses armoyries pour la porter à Mons. de Bothuile, lequel luy dict que cestoyt pour en faire oster la marque de Prince et y mettre la sienne, ce qu'il delyvra à ung qui a espouse une Marguerite Hepbrou, (mais il ne scait bonnement son nom) lequel comme il luy dict il le debuoyt bailler à Mr. Jacques Bolfour pour le faire faire.

Item. Il dict et confesse que la nuyt auparavant que la Royne fust ravie et enlevee du dit Sieur de Boduel, que Mons. d'Ormistoun vint parler à la Royne bien secretement à Lythquow: la-dessus la Royne escrypt une lettre par le dict Paris et par ce qu'il ne scavoyt bien le chemyn, la Royne le feist conduyre par le dict Ormistoun chez Monsieur de Halton, la ou le dict Sieur de Boduel estoit en bonne compaignie, et mesmes les capitanes couches aupres de luy et daultres; et trouvant le dict Sieur de Boduel endormye les veille et luy dict, Monsieur, voyla des lettres que la Royne vous envoye. Et bien, Paris, ce dit-il, couche toy la ung peu; cependant je m'envoys escryre, et apres avoir escript il dict au dit Paris, recommendes me humblement à la majestie et luy dictes que j'yray aujourdhuy la trouver sur la chemyn du pont.

Item. Estant interrogué s'il savoyt pourquoy Joseph s'en alla de ce pays: respond, que la Royne luy dict, Paris il fault que tu controuves quelque chose en ton esprite pour faire peur à Joseph, affin qu'il s'en aille: et voyant qu'il ne pouvoyt rien faire elle luy dict, je feray faire une lettre que tu perderas derrier luy pour luy faire peur; mas luy ne pouvant ce faire elle le feist dire par le justice clerk, comme il peust, qu'il eust à comparoistre au parlement, chose qu'il l'affrayast grandement, et courut ça et la demandant son congé, enfin la Royne baille neuf vingtz escus à Paris pour les bailler à Joseph, affin qu'il s'en allast, ce qu'il feist, et ainsy ayant receu la dict somme il s'en alla.

Item, dict, que Jehan Hay souvent apres la mort du Roy le conseylloyt et le confortoyt bien, et qu'aultre ne le consolloyt, sy non que souvent comment Mons. de Honteley le voyant deffaict, le demandoyt Paris, qu'as tu?

This is the trew copy of the Declaration and Depositioun of the said Nicholas Howbert als Paris, quhairof the principall is markit every leif with his awin hand. And the same being red againe in his precence, he avowit the same, and all partes and clauses thairof to be undoubtedlie trew. Ita est Alexander Hay, scriba secreti consilli S. D. N. Regis ac Notarius Publicus.

Confession *of the Laird of* Ormiston, *who was executed for the Murder of Darnley.**

The Castell of Edinburgh, Dec. 13, 1573.

The quhilk day John Brande, minister at Hallyruid-house, being sent to the laird of black Ormistoune, to give him comfort be the promiss of God's word offereit to sinners, and alswa to requyre the said laird to glorifie God in shawing of the truth, &c.; after lang conference, and prayers made, above the space of ane hour, or theirby, the said John Braud minister said unto him, Sir, althocht I am trewlie persuadit that the haill trewth ye have shawen me of this matter, yit, because divers and greater doubts are passit of you, and alse the memorie of men are bot weak, theirfoir, gif ye thought guid, I wald wryte certaine of they things briefeley that you have spoken; quha answerit meiklie, for God's saike doe the samen; wreit even as I shall speike. As I shall answer unto God, with whom I hope this night to sówp, I shall declaire unto you the haill, from the beginning unto the end of my pairt. First, I confess that the earle Bothwell shew that samen wickit deid unto me, in his own chalmer in the abbey, on Fryday before the deid wes done, and requyred me to take pairt with him therein, because, as he alledged, I wes ane man of activeness, (alace theirfor!) quhair I utterly refuisit, and said, God forbid, bot, gif it were upon the field, to fight with your lo. unto the death, I sould not feir my skinn cutting. Then the said earle said unto me, tuishe, Ormistoune, ye need not take feir of this, for the haill lords hes concluded the samen langsyne in Craigmiller, all that wes ther with the quein, and nane darr find falt with it quhen it shall be done. Efter the quhilk, I departit hame to Kaitis Tames, quhilk was Thomas Henderson's house in Edinburgh, for his mother was called Kait: being in part seik, I lay doun in my bed, and lay all Saturday, chieflie for that cause, believand that way to have put off that evil hour; and swa I knew na farder of it quhill Sunday at night, quhere I being in my chalmer in the Black Frier Wynd, gangand beltit in ane goun, John Hepburne and John Hay of Talla come unto me, and said the quenis grace and lords are past up to sie the king, and my lord is standand at the Black Frier Wynd fute, and bids you cume to him incontinent; quhere I layd my goun from me, and tuik ane ryding clock, because I beleivit all had bein weill anewche now agreit, seing they had passit up to visit him; and cuming at the first I mist the said earle, for he had comiten upe anuther closse to seik me himselfe, in my awn chalmer, and thair he fand my cousing Hob, quhom he brought with him, and thairafter met togidder in the middis of the Wynd, wha tuike me againe, and we all passit up to the Freier Yaird, through the slape, quhair Pareis and Archie Betoun com and met us, and said all wes ready preparit for the setting of the lunt; and they all enquyrit how it sould be set to; and, after diverse

* From Anderson's MSS.

speakingis, I said, take ane piece of lunt of thrie or four inch lang, and kindle the ane end of it, and lay to the cald end, and it wald burn syne to the train, and swa will blaw up; efter the quhilk, the queine passing hame, the erle Bothwell said, speid, and clois all the duris, for they had 13 fals keys of the lodging maide, and givin, as they said to me, be him that aught the house. Efter the quhilk I departit incontinent, and came not nearer, as I shall answer befoir God, nor the duir; and as I was cumand hame it strake ten houirs, wher then I pasit to Katis Tames hous, to avoyd suspitioun, that na man sould say I was at the deid doinge, for I was an hour and mair in my bed or the blast and crack was. Being requyrit be the said minister, gif he knew not that the king was utherways handilit be menes handes, for it is comonlie spokin he was brought furth and wirryit, quha anserit, as I sall answer to my God, I knew nothing but he was blawin up; and did enquyre the samyn maist dilligentlie at John Hepburne and John Hay and all that tarreit behind me, quha swore unto me, they never knew nae uther thing bot he was blawin up; and swa I think it was ane work done be God for the punishment of money wickit men, quhairof I am ane, and ane great siner before God, for the quhilk I ask God mercy.

Thirdly, Being requyrit, gif he knew na farder hereafter, ansrit, at the pasche thairafter, when the bruite begouth to rys upon us, and all cryit, ane vengeance upon them that slew the king, it prickit my conscience, and I come unto the erle Bothwell in his chamber, and said to him, quhat devill is this now, my lord, that every body supectis you of this deid, and cryes, ane vengance for the samen, and few or no uther spoken of bot yow. Aneuther thing you said to me: quha ansrit, I sall let you sie sume thing that I had for me; quha lute me sie ane contract subscryvit be four or fyve handwrittes, quhilk he affirmit to me was the subscription of the erle of Huntlie, Argyll, the secretar Maitland, and sir James Balfour, and alleaged that mony mae promisit, wha wald assist him gif he were put at; and thairafter read the said contract, quhilk, as I remember, conteinit thir words, in effect: "That, for, samikle it was thought expedient and maist profitable for the commoun wealth, be the haill nobilitie and lords undersubscryvit, that sick ane young fool and proud tirrane sould not reign nor bear reull over thame; and that for diverse causes, thairfoir, that thays all had concludit that he sould be put off by ane way or uther, and quhosoevir, sould take the deid in hand, or do it, they sould defend and fortifie it as thamselffis, for it sould be every ane of their awin, recknit and halden done be themselffis." Quhilk writting, as said earl shew unto me, was devysit be sir James Balfour, subscryvit be them all ane quarter of ane year befoir the deid was done; after the quhilk I never spake to the said earle of it quhill the day he gate his assyse, quhaire the said earle standing at the barr, luiking doun sad lyke, I plukit upon him and said, fye, my lord, what divill is this yee are doand. Your face shawes what ye are: hald up your face, for Godis sake, and luik blythlie; ye might luike swa and ye were gangand to the deid. Allace, and wo worth them that ever devysit it, I trow it sall garr us all murne: quha ansrit me, had your tongue; I wald not yet it wer toe do: I have ane out gait fra it, cum as it may, and that ye will knaw belyve.

Forder, the tyme when my brother was hurt be the laird of Seffaird, first com word to me that they war slayne, and then thair came ane bill from thamselffis, and said they wer onley hurt, and wald not die; but ane thing did them mair evill than the hurring, viz. that ane commoune bruit was risen, that I was at the king's slaughter, and theirfoir disirit me to get sume guid way to purge myselfe, that it pass na farder, or else ye have done with it; quhilk bill I tuike and gave to the erle Bothwell, wha tuike it and gave it to the quein, and she tuike it and read it, and gave it to the erle Huntlie, thair present, wha read it, and thairafter turnit unto me, and turnit her back, and gave an thring with her shoulder, and passit away, and spake nothing to me. This is the haill thing I knaw, ather affoir or efter, as I sall ansuer to my God, with whom I hope to supe. Efter the quhilk being inquyred, gif ever the quein spake unto him at any tyme, or gif he knew what wes the quenis mynd unto it, ansrit, as I shall ansuer to God shoe spake never to me nor I to hir of it, nor I knaw nathing of hir part but as my lord Bothwell shaw me; for I will not speike bot the trewth for all the gold of the earth, quhilk I desyre you, guid minister, bear record hearof as ye have written, quhilk I pray yow read over to me: let me alswa see it; quhilk I did affoir Archibald Dowglass constabill of the castell, and George Towers of Bristo, with uthers divers gentlemen and servants being in the chalmer, quhilk beand done, he said, for God's saike, sit down and pray for me, for I have bein ane greit sinner utherwyse, for the quhilk my God this day is punishing me, for of all men on the earth, I have bein ane of the proudest and heich myndit, and maist filthie of my body, abusying myself dyvers ways. Bot specially I have shed innocent blood of ane Michael Hunter with my awin hands: allace theirfoir, because the said Michael havand me lyeing upon my back, haveing ane fork in his hand, myght have slayne me gif he pleasit, and did it not, quhilk of all things greives me maist in conscience: alswa in a raige I hangit a poor man for an horse; with mony uther wickit deids; for the quhilk, I aske my God mercy, for its not mervell that I have bein wickit, for the wickit companie that ever I have bein in, bot speciallie within thir seaven yearis bypast, quhilk I never saw twa guid men or ane guid deid, bot all kind of wickedness; and yit my God wald not suffer me to be lost, and hes drawen me from them as out of hell, and hes given me lazer and space, with guid companie, to repent, for the quhilk I thank him, and is assurit that I am ane of his elect.

Thir words, with mony mae, cryand continually unto his God, even to the very end, cryand, my Lord Jesus, sweit Jesus, have mercy upon me, as you have had upon uther sinners, in sick sort, that he was, to the appearance of man, ane of the maist penetent sinners that hes bein sein this lang tyme, and mey be comptit ane example of God's mercies to all penitent sinneris.

55. Trial of the Earl of Mortoun, for the Murder of Henry, lord Darnley, Husband of Mary Queen of Scots: 23 Eliz. A. D. 1581. [Arnot's Criminal Trials, 388. 2 Laing's Hist. of Scotland, 319.]

Mourtoun his forfaltrie; Curia justiciarie S. D. N. regis tenta et inchoata in pretorio burgi de Edinburgh, primo die mensis Junii, anno Dni. millesimo quingentesimo octungesimo primo, per honorabiles et discretos viros Jacobum Striviling de Keir militem, et magistrum Joannem Grahame justiciarios in hac parte per commissionem S. D. N. regis, ac Dnorum ejus secreti concilii specialiter constitut. ad effectum subscriptum sectis vocatis, et curia legittime affirmata, &c.

Jacobus Comes de Mortoun, Dns. de Dalkeith, &c. accusatus callumniatus de arte, parte, prescientia conselatione, et non releuatione proditorie murthure quondam nobilissimi et charissimi Henrici regis Scotorum, patris S. D. N. Regis Jacobi sexti.

Nomina assizae elect. jurat. et admiss. super prefato Jacobo Comite de Mortoun, &c. viz.

Colinus Comes Ergadie, Joannes Comes de Montrois Andreas Comes de Rothes, Jacobus Comes de Glencairne, Hugo Comes de Eglintoun, Alexander Comes de Sutherland, Joannes Dns. de Maxwell, Georgius Dns. de Seytoun, Jacobus Dns. Ogilvie, Jacobus Dns. Innermaithe, Hugo Dns. Somervell, Alexander Magister de Levingstoun, Alexander Mr. de Elphinstoun, Joannes Gordoun de Lochinvar, Miles, Patricius Hepburne de Wachtoun, Patricius Learmonth de Dersie, Miles, Willielmus Livingstoun de Kylsyth, Miles.

The whilk day the said James earle of Mortoun being indyttit and accusit, that, in the moneths of Januarii and Febrii, in the yeir of God 1566 yeiris, he, accompanit with James, some tyme earle Bothwell, James Ormistoun some tyme of that ilke, Robert, alias Hob Ormistoun his father brother, John Hay some tyme of Tallo, younger, John Hepburne, callit John of Bowtoun, and divers others his complices, craftelie and secretlie conspirit among them selves, consultit, treatit, devysit, and maliciously concludit the maist shameful, detestable, and unnatural murther and patricide of our soverane lords umquhill dearest father, Henry king of Scotts, lawful spouse for the tyme to his hienes's dearest mother Mary, then quein of Scotland, and that within the burgh of Ed., pallice of Hallyruid-house, and uthers places thereabout; and to the end he myght bring his wicked, filthie, and execrabill attempt at better to pass, he with the remanent persouns aforirnamed, be themselves, yr servants, complices, and others, in yr names, of their cawseing command, hounding, sending, partaking assistance and ratihabitione, upon the tenth day of the sd moneth of Feberwar 1566 years, at twa hours after midnight, or therby, come to the lodgeing beside the Kirk of Feild, within the said burgh of Ed., wher our sd soverane lords umqll dearest father was lodgit for the tyme, and ther be way of hamesukin, brigancie, and foirthowght fellonie, maist vylelie, unmercifullie, and treasonablie, slew and murtheirt him, with Wm Tayliour and Andro Makage, his cubicularis, when as they, buriet in slep, were takeand the nyghts rest, brunt his hoill lodgeing forsaid, and raised the samen in the air be force of gun poulder, qlke a lytle afore was placit and imput be him and his forsaids under the grund, and angular stains, and within the voltis, in laich and darnit pairts and places yrof, to that effect, and richt, swa he with the remanent persouns afornamit, marrowis of his mischeife, be themselves, yr servants, complices and uthers, in yr names, of their causing, command, hunding, sending, and airt, and pertaking, assistance, and ratihabition, at the tymes forsaids, respective, gave their favor, counsall, and help to the perpetration of the said horrible crymes, and ay sinsyne hes simulate, hid, and conceillit the samen, in maist treasonable and secreit maner, and theirthrow had incurrit the paines of leismagestie, and sould have bein punishit theirfor with all rigour, be tinsall of life, lands, and guids, and be extinctioun of fame, honour, titles, and memorie, conform to the lawis of this realm; lykeas the remanent persouns aforirnamed, his complices and conspirators with him in their treasonable impieties, were already tryed and forfaultit for the self same hynous and detestable crimes, and for the maist part, as they could be apprehendit, had sufferit maist shameful deid theirfor, according to yr deserving, as at mair lenth is contained in the dittay given in anent the premisses, with the taikins and probatiouns producit and usit theirwith; qlkes being read, the said James earle of Mortoun, and he anserand yrto, denyit the samen, be reasoun wherof the said justice-deputis referrit the samen to the knawledge of the inqueist and assyse above written, wha wes resavit and admittit in presence of the said earle, and they being furth of court removed, and ryply advisit with the said dittay, taikins infallible and maist evident, with the probatiouns producit and suit for vereficing theirof, and yrafter inenter-

and againe in court, they all in ane voyce, be the pronounceing of the mouth of John earle of Montrose, chancellar choisen be the sd assyse, fyllit the said James earle of Mortoun of airt, pairt, foirknawledge, and conceiling of the treasonable and unnatural murthers forsaids; after the qlke conviction, the saids justice-deputis, be pronunciatioun of Andro Lindsay, demster of the said court, adjudgit, and for dome gave, that the said James earle of Mortoun sould be had to ane gibbet besyde the mercat-crose of the sd burgh of Ed., and ther be hangit while he be deid, and yrafter drawin, quarterit, and demaneit, as ane traitour; and that all his lands, heretage, offices, possessiones, tackes, steadings, cornes, cattell, actiounes, debtes, obligations, guids moveable and unmoveable, and uthers whatsomever whilkis pertenit to him, sould and aught appertaine, to our soverane lord, and to be applyit to his hienes use, be reasone of escheat of forfaultour to be uptaken' usit, and disponit, be his hienes at his pleasur; upon the qlkes premises, Mr. Robert Crichtoun of Eliock, advocat to our soverane lord, asked instruments, and acts of court.—Extractum ex actis curiæ Justiciarie antedicte, per me Wm. Stewart juniorem, notarium publicum et clericum dicte curie per commissionem S. D. N. regis antedict. specialiter electum et juratum, &c. sub meis signo et subscriptione manualibus.

The Earl of Mortoun's Confession.

The sume off all that Conference that was betwixt the Eirle of Morton, John Durie, and Mr. Walter Balcanquell, and the cheif things that they hard of him quhairof they can remember, that day that the said eirle suffered, quhilk was the 2d of Junii, 1581.

First, the said eirle being exhorted that he sould not be discouraged in consideration of that estate quhairinto ance he was in this world in honour and glorie, and of the downcast quhairunto now he was brought, but rather in consideration of the glorie to come, he sould rejoice and be of gude comfort, his answer was, as concerning all the glorie that I have had in this world, I cair not for it, because I am persuaded now that all the honours, riches, friends, pleasures, and quhatsomever I had in the world, is but vanitie, and as concerning the estate quhairunto now I am brought, I thank God for it, and am at this poynt, that I am content rather to render my lyfe then to live, because I know that as God has appoynted the tyme of my death, so has he appoynted the manner thereof; and therefore, seeing that now is the time, and this is the manner that best pleiseth my God to take me, I am content, and as for my lyfe in this world, I cair not for it a penny, in respect of that immortalitie and everlasting joy quhilk I luke for, and quhairof I am assured.

2. Being requyred quhat was his part or knowledge in the king's murther, he answered with this attestation, as I sall answer to my Lord God, I sall declare trewlie all my knowledge in that matter, the soume quhairof is this: Efter my returning out of Ingland, quhair I was banished for Davie's slaughter, I came out of Wederburn to Whittinghame, quhair the eirle Bothwell and I met together in the yaird of Whittinghame, quhair, efter long communing the eirle Bothwell proponed to me the king's murther, requyring what wald be my part therein, seeing it was the queines mynd that the king sould be taine away, because, as he said, she blamed the king mair of Davie's slaughter than me. My answer to the eirle Bothwell was this, that I wald not in any ways mell with that matter, and that for this cause, because I am but new cumed out of trouble, quhairof as yet I am not red, being discharged to cum neir the court be seven mylls, and therefore, I cannot enter myself in such a trouble againe. Efter this answer, Mr. Archbald Douglas entered in conference with me in that purpose, persuading me to agrie to the eirle Bothwell's desyre. Last of all the eirle Bothwell, being in Whittinghame, thairafter eirnestly proponed the same matter again to me, persuading me thairto, because so was the queines mynd, and shoe wald have it to be done. Unto this my answer was, I desyred the eirle Bothwell to bring me the queines hand wryt of this matter for a warrand, and then I sould give him ane answer: utherwayes I wald not mell therewith, quhilk warrand he never purchaissed (reported, Calderwood's MS.) unto me. Then being inquyred quhat wald have beine his part in caise he had gotten the queines warrand in that matter, wald he in respect thairof, melled with such a filthie murther as that? He answered, gif I had gotten the queines wryt, and so had knowen her mynd, I was purposed to have banished myselfe againe, and turned my back on Scotland quhile I had sein a better occasion. Then following forth his discourse of this matter, he said, I being at St. Andro's to visit the eirle of Angus a little before the murther, Mr. Archbald Douglas came to me there, both with wryt and credit of the eirle Bothwell to shew unto me that the purpose of the kings murther was to be done, and neir a poynt, and to request my concurrence and asystance thereunto. My answer was to him, that I wald give no answer to that purpose, seeing I had not gotten the queines warrand in wryt, quhilk was promised, and thairfore seeing the eirle Bothwell never reported any warrand of the queine to me, I never melled farther with it. Then being inquyred whether he gave Mr. Archbald Douglas any command to be there in his name, he answered, I never commanded him. Being inquyred gif he gave him any counsel thereunto, he answered, I never counselled him to it: being inquyred if he gave him any counsel in the contrair, he answered I never counselled him in the contrair. Then it was said to him, that it was a dangerous thing for him that his servand and depender was to pass to such a wicked purpose, and he knowing thereof stayed him not, sieing it would be counted his deid: he answered, Mr. Arch-

bald at that tyme was a depender upon the eirle Bothwell, making court for himself, rather then a depender of myne. Efter this following forth the same discourse, he said Mr: Archbald, efter the deid was done, shew to me that he was at the deid doeing, and came to the Kirk of Field yard with the eirle Bothwell and Huntlie. Then being requyred if he received Mr. Archbald efter the murther, he answered I did indeed. Then it was said to him, appeiruntlie my lord, ye cannot complain justlie of the sentence that is given against you, sieing with your oun mouth ye confess the foreknowledge and concealling of the king's murther, for quhilk two poynts onlie ye could not be able to abyd the law. He answered that I know to be trew indeid, but yet they sould have consisidered the danger that the reveilling of it wald have brought me to at that tyme; for I durst not reveill it for feir of my lyfe. For at that tyme to whom sould I have reveiled it? To the queine? she was the doer thereof. I was mynded to have told it to the king's selfe (father, Calderwood) but I durst not for my lyfe, for I knew him to be a bairne of such nature, that there was nothing told him but he wald reveill it to hir againe. Being enquyred why he wald not sinsyne reviell it to the king's majesty, he answered I durst not, for the same feir. Then he said, efter the eirle Bothwell was cleinged by an assyse, sundrie of the nobilitie, and I subscryed also a bond with the eirle Bothwell, that if any sould lay the king's murder to his charge, we sould assyst him in the constrairie, and thereafter I subscryed to the queines marriage with the eirle Bothwell, as sundrie uthers of the nobilitie did, being charged thereto by the queines wryt and command. Then being inquyred in name of the living God, that sieing this murther of the king's was ane of the most filthy acts that ever was done in Scotland, and the secreits thereof hes not yet been declared, who was the chief deid doers, or whether he was wirried or blown in the air, and therefore to declaire if he knew any farther secret thereunto; he answered, as I sall answer to God, I know no more secret in that matter then I have already told and heard be the deposition of such as hes already suffered for it, quhilk depositions are yet extant. Being inquyred if he knew any presentlie to be about the king, who was doers of that work, by whose companie the king or common weill might be hurt, he answered, I know none, and will acuse none. Last of all, it was said to him concerning this purpose, that in respect of his own deposition, his part wald be suspected to be more foull nor he declared, he speired for what reason. It was answered, ye being in authoritie, howbeit ye punisht uthers for the murther, yet ye punisht not Mr. Archbald, whom ke knew to be guilty thereof; he answered, I punisht him not indeid, neither durst I, for the causes before showne. [As the remaining articles of this long confession relate to transactions during his regency and afterwards, we proceed to the conclusion.]

Thereafter he was called to dinner at two after noune, and being at dinner, sieing the brethrein of the ministrie were informed that there was wrong report made of his confessioune to the king, and that he sould have confessed meikle uther wayes then he did, whereby the king might have had ane war opinion of him, they thought gude to send down some before his suffering, to inform the king's majestie of the facts of his confessioune, as namely, David Fergussone, John Durrie, and John Brand, who, before his death, at length told the simple truth of his confessioune to the king's majestie. At their returning againe from the Abbey, his keiper requyred him that he sould cum forth to the scaffald, he answered, sieing they have troubled me this day over meikle with warldly things, I supposed they sould have given me this one nyght leasor to have advysed rypely with my God. His keiper said all things are readye now, my lord, and I think they will not stay: he answered, and I am readie also, I prayse my God; and so, one comfortable prayer being made, he passed down to the gate, mynding to goe directly to the scaffold; but the eirle of Arrane stayed him, and brought him back againe to his chalmer, and requred of him that he sould tarrie till his confessioune were put in wryt, and subscryed with his hand and the ministers that were present. He answered, no, my lord, I pray you trouble me no more with these things, for I have now other thing to advyse on, that is, to prepair me for my God, sieing that I am now at a poynt to go to death, I cannot wryt in the estate wherein now I am. All the honest men can testifie what I have spoken in the matter; with quhilk answer the eirle of Arran being satisfied, he said unto him, now my lord, ye will be reconciled with me, for I have nothing upon any particular against you. He answered, it is not tyme now to remember on querels, I have no querel to you nor any man; I forgive you and all uthers, as I will all to forgive me; and so thereafter with a gude curage he past to the scaffald, and being upon the scaffald, he repeits in few words the substance of these things, the quhilk before he had confessed, except that he concealed Mr. Archbald Douglas his name, and eiked some word and exhortatioun to the people, quhilk he spake not before, as namely, he said, Sure I am the king sall lose a gude servant this day, and so he exhorted the people, saying, I testify before God, I have professed the evangell, quhilk this day is teached and professed in Scotland, and so also now I will willinglie lay down my lyfe in the professioun thereof; and howbeit, I have not walked therein as I aught, yet I am assured God will be merciful to me; and I pray you all, gude christians, to pray for me; and I charge you all, in the name of God, that are professors of the evangell, that ye continue in the true professioun thereof, and maintain it to your power, as I sould have, God willing, with my lyfe, lands, and all, gif I had had dayes, quhilk if ye doe, I assure you God sall be merciful to you; but if ye do not, be

sure the vengeance of God sall light upon you both in bodie and soul. As concerning all the rest of the things quhilk he spake comfortably upon the scaffald, he spake them more amply before, and therefore we think it not neidful to repeit.

When all his speeches were ended upon the scaffold, a comfortable prayer was made by Mr. James Lawson, during the time of quhilk prayer, the eirle lay grovelling upon his face, before the place of execution, his bodie making great rebounding with sighs and sobes, quhilk was evident signs of the inward and mighty working of the spreit of God, as they who were present and knew what it was to be earnestly moved in prayer, might eysily persave. The prayer being ended, and efter that sundrie came unto him to be reconciled with him before his deatb, quhilk he most lovingly did receive, and efter that he had taken us all by the hand, that were about him, and bidden us farewell in the Lord, he passed both constantlie, patientlie, and humblie, without feir of deith to the place of execution, and laid craig under the axe, his hand being unbound, and thairefter Mr. Walter putting him always in mind of Christ; and crying in his eirs thir words following, untill his head was strucken off, Lord Jesus receive my soul; in thy hands, Lord, in thy hands I commit my spreit, quhilk words he was speaking till the axe fell on his neck, and so quhatsoever he had been before, he constantlie died the trew servant of God; and howbeit by his unfriends alledged, that as he lived proudlie, so he died proudlie, the charitable servants of God could perceive nothing in him but all kind of humility in his death, in so meikle that we are assured that his soul is received in the glorie of heaven, to the quhilk the Lord bring us all. Amen.

Morton's Confession is confirmed by Archibald Douglas's Letter to Mary, which we reprint from Robertson's History to complete the Evidence.

A Letter *from Mr. Archibald Douglas to the Queen of Scotts.*

Please your majesty, I received your letter of the date the 12th of November, and in like manner has seen some part of the contents of one other of the same date, directed to Monsieur de Movisir, ambassador for his majesty the most christian king, both which are agreeable to your princely dignity, as by the one your highness desires to know the true cause of my banishment, and offers unto me all favour if I shall be innocent of the heinous facts committed in the person of your husband of good memory, so by the other the said ambassador is willet to declare unto me, if your husband's murder could be laid justly against me, that you could not sollicit in my cause, neither yet for any person that was participant of that execrable fact, but would seek the revenge thereof, when you should have any means to do it; your majesty's offer, if I be innocent of that crime, is most favourable, and your desire to know the truth of the same is most equitable; and therefore that I should with all my simplicity, sincerity and truth answer thereunto is most reasonable, to the end that your princely dignity may be my help, if my innocence shall sufficiently appear, and procure my condemnation, if I be culpable in any matter, except in the knowledge of the evil disposed minds of the most part of your nobility against your said husband, and not revealing of it, which I am assured was sufficiently known to himself and to all that had judgment never so little in that realm; which also I was constrained to understand, as he, that was specially employed betwixt the earl Morton, and a good number of your nobility, that they might with all humility intercede at your majesty's hand for his relief, in such matters as are more specially contained in the declaration following, which I am constrained for my own justification, by this letter to call to your majesty's remembrance. Notwithstanding that I am assured to my grief, the reading thereof will not smally offend your princely mind. It may please your majesty to remember, that in the year of God 1566, the said earl of Morton, with divers other nobility and gent. were declared rebels to your majesty, and banished your realm for insolent murder committed in your majesty's own chamber, which they alledged was done by command of your husband, who notwithstanding affirmed that he was compelled by them to subscribe the warrant given for that effect; howsoever the truth of that matter remains amongst them, it appertains not to me at this time to be curious; true it is that I was one of that number, that heavily offended against your majesty, and passed in France the time of our banishment, at the desire of the rest, to humbly pray your brother the most Christian king, to interceed that our offences might be pardoned, and your majesty's clemency extended towards us, albeit divers of no small reputation, in that realm, was of the opinion, that the said fact merited neither to be requisite for, nor yet pardoned. Always such was the careful mind of his majesty towards the quietness of that realm, that the dealing in that cause was committed to Mons. de Movisir, who was directed at that time to go into Scotland, to congratulate the happy birth of your son, whom Almighty God of his goodness may long preserve in happy estate and perpetual felicity; the careful travel of the said de Movisir was so effectual, and your majesty's mind so inclined to mercy, that within short space thereafter, I was permitted to repair in Scotland, to deal with earls Murray, Athol, Bodvel, Arguile, and secretary Ledington, in the name and behalf of the said earl Morton, lords Reven, Linsay, and remanent complesis, that they might make offer in the names of the said earl, of any matter that might satisfy your majesty's wrath, and procure your clemency to be extended in their favours; at my coming to them, after I had opened the effect of my message, they declared that the marriage betwix you and your husband had

been the occasion already of great evil in that realm, and if your husband should be suffered to follow the appetite and mind of such as was about him, that kind of dealing might produce with time worse effects; for helping of such inconvenience that might fall out by that kind of dealing; they had thought it convenient to join themselves in league and band with some other noblemen, resolved to obey your majesty as their natural sovereign, and have nothing to do with your husband's command whatsoever, if the said earl would for himself enter into that band and confederacy with them, they could be content to humbly request and travel by all means with your majesty for his pardon, but before they could any farther proceed, they desired to know the said earl's mind herein; when I had answered, that he nor his friends, at my departure, could not know that any such like matter would be proponit, and therefore was not instructed what to answer therein, they desired that I should return sufficiently instructed in this matter to Sterling, before the baptism of your son, whom God might preserve; this message was faithfully delivered by me at Newcastle in England, where the said earl then remained, in presence of his friends and company, where they all condescended to have no farther dealing with your husband, and to enter into the said band. With this deliberation I returned to Sterling, where at the request of the most christian king and the queen's majesty of England by their ambassadors present, your majesty's gracious pardon was granted unto them all, under condition always that they should remain banished forth of the realm, the space of two years, and farther during your majesty's pleasure, which limitation was after mitigated at the humble request of your own nobility, so that immediately after the said earl of Morton repaired into Scotland to Quhittingaime, where the earl Bodvell and secretary Ledington come to him; what speech passed there amongst them, as God shall be my judge, I knew nothing at that time, but at their departure I was requested by the said earl Morton to accompany the earl Bodvell and secretary to Edenburgh, and to return with such answer as they should obtain of your majesty, which being given to me by the said persons, as God shall be my judge, was no other than these words, "Schaw to the earl Morton that the queen will hear no speech of that matter appointed unto him;" when I crafit that the answer might be made more sensible, secretary Ledington said, that the earl would sufficiently understand it, albeit, few or none at that time understand what passed amongst them. It is known to all men, als veill be railling letters past betwixt the said earl and Lidington when they become in divers factions, as also ane buck sett furth by the ministers, wherein they affirm that the earl of Morton has confessed to them, before his death, that the earl Bodvell come to Quhittingaime to propon the calling away off the king your husband, to the which proposition the said earl of Morton affirms that he could give no answer unto such time he might know your majesty's mind therein, which he never received. As to the abominable murder, it is known too by the depositions of many persons that were executed to the death for the committing thereof, that the same was executed by them, and at the command of such of the nobility, as had subscrivit band for that effect: by this unpleasant declaration, the most part thereof known to yourself, and the remainder may be understood by the aforesaid witnesses that was examined in torture, and that are extant in the custody of the ordinary judges in Scotland, my innocency so far as may concern any fact does appear sufficiently to your majesty. And as for my dealing aforesaid, I can be no otherwise charged therein, but as what would accuse the vessel that preserves the vine from harm, for the intemperancy of such as immoderately use the same. As for the special cause of my banishment, I think the same has proceeded upon ane opinion conceived, that I was able to accuse the earl of Morton of so much matter as they alledge himself to have confessed before he died, and would not be induced, for loss of reputation, to perform any part thereof. If this be the occasion of my trouble, as I suppose it is, what punishment I should deserve, I remit me to your majesty's better judgment, who well knows how careful ever ilk gentleman should be of his fame, reputation and honour, and how far ever ilk man should abhor the name of a pultroun, and how indecent it would have been to me to accuse the earl of Morton, being so near of his kin, notwithstanding all the injuries I was constrained to receive at his hand all the time of his government, and for no other cause, but for shewing of particular friendship to particular friends in the time of the last cruel troubles in Scotland. Sorry I be now to accuse him in any matter being dead, and more sorry that being on lyff, be such kind of dealing obtained that name of Ingrate. Always for my own part I have been banished my native country those three years and four months, living in anxiety of mind, my holl guds in Scotland, which were not small, intermittit and disponit upon, and has continually since the time I was relieved out of my last troubles at the desire of Monsieur de Movisir, attended to know your majesty's pleasure, and to await upon what service it should please your majesty for to command. Upon the 8th of April inst. your good friend secretary Walsinghame has declared unto me, that her highness thought it expedient that I should retire myself where I pleased, I declared unto him I had no means whereby I might perform that desire, until such time as I should receive it from your majesty. Neither knew I where it would please your highness to direct me until such time as I should have received further information from you. Upon this occasion, and partly by permission, I have taken the hardress to write this present letter, whereby your majesty may understand any part of my troubles

past, and strait present. As to my intention future, I will never deny that I am fully resolved to spend the rest of my days in your majesty's service, and the king your son's, wheresoever I shall be directed by your majesty, and for the better performing thereof, if so shall be her majesty's pleasure, to recommend the tryal of my innocency, and examination of the verity of the preceding narration, to the king your son, with request that I may be pardoned for such offences as concerned your majesty's service, and var common to all men the time of his les aige and perdonit to all, except me, I should be the bearer thereof myself, and be directed in whatsoever service it should please your majesty for to command. Most humble I beseech your majesty to consider hereof, and to be so gracious as to give order, that I may have means to serve your majesty according to the sincerity of my meaning, and so expecting your majesty's answer, after the kissing your hand with all humility, I take leave from London.

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56. The Trial of Thomas Howard duke of Norfolk, before the Lords at Westminster, for High Treason: 14 Eliz. Jan. 36, A. D. 1571. [M. S. Brit. Mus. 1427.]

First of all, there was prepared in Westminster-hall a large scaffold, about a foot distant from the Chancery-Court; and to the same scaffold a long passage, about six foot broad, and high built all the way as far as to the Common-Pleas bar. In the middle, on the south-side of the scaffold, was erected a chair, somewhat higher than the rest, with a cloth of state for the Lord High Steward of England, who for that day was George earl of Shrewsbury. On both sides of the Lord High Steward, sat the lords in this order:

On the right hand of the Lord High Steward.	*On the left hand.*
Reynold earl of Kent,	Earl of Worcester,
Thomas earl of Sussex,	Earl of Huntingdon,
Ambrose e. of Warwick	Francis e. of Bedford,
—— earl of Pembroke,	Edward e. of Hertford,
Robert e. of Leicester,	Viscount Hereford,
Ld. Clinton, Lord High Admiral of England,	William lord Howard of Effingham,
Wm. lord Burleigh,	Lord Grey of Wilton,
James lord Mountjoy,	Lord Sandes,
Lord Wentworth,	Lord Burgh,
Lewis lord Mordant,	Lord St. John,
Lord Chandois,	Lord Rich,
Oliver lord St. John of Bletshoe.	Lord North,
	Thos. lord Buckhurst,
	Lord De La Ware.

On both sides of the Lord High Steward, on a lower form at the lords feet, sat the Judges, viz. on the right hand; sir Robert Catlin, lord chief justice of England; sir James Dyer, lord chief justice of the common pleas; sir Edw. Saunders, lord chief baron of the exchequer. On the left hand, the rest of the Judges sat according to their order.

At the feet of the lord high steward, directly before him, in a hollow place cut in the scaffold for that purpose, sat Mr. Miles Sands clerk of the crown with his secondary. Next, beneath the Justices in the same row, sat at the right hand, viz. on the East-side, sir Francis Knowle, with three of the queen's houshold, and sir Walter Mildmay chancellor of the Exchequer, with several others of the queen's Privy-Council. On the left side, on the West part of the said scaffold in the same degree, sat next the Judges, Dr. Wilson, master of the requests, and several other persons of note.

On the North part of the scaffold, directly before the bar where the Prisoner came, sat Mr. Nicholas Barram the queen's serjeant, Mr. Gilbert Gerard the queen's attorney-general, Mr. Thomas Bromley solicitor-general, and Mr. Thomas Wilbraham the queen's attorney of the court of wards. On the right hand, by permission, sat Mr. W. Fleetwood recorder of London; and on their left hands were Mr. Thomas Norton, who wrote down this Trial upon the scaffold, as also Garter king at arms, two gentlemen ushers, and two serjeants at arms.

The Lord High Steward being set in his chair, and all the lords and others set in their places, with a great number of people in the Hall, the Hall being kept by the knight marshal, and the warden of the Fleet, and their servants with tipstaves; about half an hour past 8 in the morning the lord high steward stood up at his chair bare-headed, and Mr. Norris the gentleman-usher holding the white rod before him, Littleton the serjeant at arms made proclamation as follows: 'My Lord's 'grace, the queen's majesty's commissioner, 'High-Steward of England, commandeth every 'man to keep silence on pain of Imprisonment, 'and to hear the queen's majesty's Commission 'read.' Which then was read by the clerk of the crown. Then the said lord high steward sat down again in his chair, and the gentleman-usher delivered him the white rod, which he held in his hand a great while; and after the Indictment read, re-delivered it to the gentleman-usher, who held it up before him all the time of the Arraignment. Then Littleton the serjeant again made Oyer, and proclaimed thus: 'Thomas Edwards, serjeant at arms, return thy precept;' which being put in immediately, he delivered to the clerk of the crown the names of the peers summoned for the Trial. Then Littleton the Serjeant again made Oyer, and proclaimed thus: 'All earls, viscounts, and barons, summoned to appear

this day, every one answer to your names on pain of future peril.' Then were all the lords called in order by their names of baptism, and surnames of dignity, beginning at the antientest; and every one severally, as he was called, stood and signified their appearance.

Their Order of Ancientry, as they were called, was thus: Reynold earl of Kent, Wm. earl of Worcester, Tho. earl of Sussex, Henry earl of Huntingdon, Ambrose earl of Warwick, Francis earl of Bedford, Wm. earl of Pembroke, Edw. earl of Hertford, Robert earl of Leicester, Walter visc. Hereford, Edw. lord Clinton, Wm. lord Howard of Effingham, Wm. lord Burleigh, lord Grey of Wilton, James lord Mountjoy, lord Sandes, lord Wentworth, lord Burgh, Lewis lord Mordant, lord St. John, Robert lord Rich, lord North, lord Chandois, Oliver lord St. John of Bletshoe, Thomas lord Buckhurst, lord De La Ware.

Then the Serjeant again made Oyer, and proclaimed thus: 'Robert Catlin knight, Chief Justice of England, return thy Certiorari and thy Precept;' which was immediately delivered to the clerk of the crown, and read. The serjeant again made Oyer, and proclaimed thus: 'Lieutenant of the Tower of London, return thy Habeas Corpus, and bring forth thy Prisoner Thomas duke of Norfolk.'

Then was the duke brought upon the long half pace to the bar, sir Owen Hopton lieutenant of the Tower leading him by the right hand, and sir Peter Garowe by the left, and so he was placed at the bar, they still holding him by the arms; the chamberlain of the Tower, with the axe of the Tower, standing with the edge towards sir Peter: while behind the duke stood Mr. Henry Skipwith, who after the duke's Imprisonment, was appointed to attend on him in the Tower.

Then the Duke with a haughty look, and oft biting his lip, surveyed the lords on each side him. In the mean time the Lieutenant of the Tower delivered in his return; then the serjeant made Oyer and Proclamation of silence, while the Clerk of the Crown said to the duke thus: 'Thomas duke of Norfolk, late of Remming-hall in the county of Norfolk, hold up thy hand:' Which the duke did very lustily. Then the clerk of the crown read the INDICTMENT,* the tenor whereof is thus:

"Middlesex.

"The Jury present and say, in behalf of our lady the queen, That Thomas duke of Norfolk, late of Remming-hall in the county of Norfolk, as a false Traitor against the most illustrious and Christian princess Elizabeth, queen of England, France, and Ireland, defender of the faith, &c. and his sovereign lady, not having the fear of God in his heart, nor weighing his due allegiance, but seduced by the instigation of the Devil, contrary to that cordial affection and bounden duty that true and faithful subjects of our said lady the queen do bear, and of right ought to bear, towards our said lady the queen; and intending to cut off and destroy the said queen Elizabeth, the 22d day of Sept. in the 11th year of the reign of our said sovereign lady queen Elizabeth, and divers other days and times before and after, at the Charter-House in the county of Middlesex, hath falsely, maliciously and traitorously conspired, imagined and gone about not only to deprive, depose, and cast out the said queen, his sovereign lady, from her royal dignity, title, power, and government of her kingdom of England; but, also to bring about and compass the death and final destruction of our said sovereign lady the queen, and to make and raise Sedition in the said kingdom of England, and to spread a miserable Civil War amongst the subjects of our said lady the queen, and to procure and make an Insurrection and Rebellion against our said lady the queen, his supreme and natural lady; and so to make public war within the realm of England contrary to our said lady the queen, and the government of her said kingdom, and to endeavour a change and alteration of the sincere worship of God, well and religiously established in the said kingdom; and also totally to subvert and destroy the whole constitution of the said state, so happily instituted and ordained in all its parts, with divers aliens and foreigners, not the subjects of our said lady the queen, hostilely to invade the said kingdom of England, and to make cruel war against our said lady the queen and her dominions.—And for the compassing and bringing to pass all the said wicked and notorious treasons, imaginations, and intentions proposed as aforesaid, he the said Thomas duke of Norfolk, well and truly knew and understood, that Mary late queen of Scots had laid claim and pretended a title and interest to the present possession and dignity of the imperial crown of this kingdom of England; well and truly knowing and understanding, that the aforesaid Mary, late queen of Scots, had falsely, wickedly, and unjustly said and affirmed, That our aforesaid lady, queen Elizabeth, had no right and title to the crown of this realm of England: And also well and truly knowing and understanding, that the aforesaid Mary, late queen of Scots, had falsely, wickedly, and unjustly usurped the stile, title, and regal name of this kingdom of England; and that she, the aforesaid Mary late queen of Scots, had impaled and joined the arms of the kingdom of England with the arms of the kingdom of Scotland, as well in her seals and plate, as other things, without any difference and distinction. And furthermore, well and truly knowing and understanding, that the said Mary, late queen of Scots, had not revoked or renounced her wicked and unjust claims and usurpations aforesaid, the 23d day of Sept. in the 11th year of our said lady, now queen of England, and divers other days and places before and after the said time, at the Charter-House aforesaid, in the county of Middlesex aforesaid, falsely, subtlely and traitorously sought and endea-

* A copy of the Latin Indictment will be found at the end of this Article.

voured, without the assent, consent, or agreement of the aforesaid our lady queen Elizabeth, his supreme and sovereign lady, to be joined in marriage with the aforesaid Mary, late queen of Scots. And for this reason and cause he the said duke aforesaid, the 23rd day of Sept. in the 11th year aforesaid, and divers other days and places before and after, at Charter-House aforesaid in the county of Middlesex aforesaid, falsely, subtlely and traitorously writ divers letters to the aforesaid Mary, late queen of Scots; and as well as letters, sent several pledges or tokens to the aforesaid Mary, late queen of Scots, the 23d day of Sept. aforesaid, in the year aforesaid, and divers other days and times before and after. And also on the said 23d day of Sept. in the 11th year of the reign of the said queen Elizabeth, and divers other days and places before and after, at Charter-house aforesaid, in the county of Middlesex aforesaid, falsely, subtlely, and traitorously gave to, and accommodated the said Mary, late queen of Scots, with divers sums of money; which the said Mary, late queen of Scots, falsely and traitorously had and received of him the said Thomas duke of Norfolk, the 23rd day of Sept. aforesaid, in the year aforesaid, at Charter-house aforesaid, in the county of Middlesex aforesaid; notwithstanding the aforesaid duke had been distinctly and especially forbid and prohibited by the aforesaid lady queen Elizabeth, upon his allegiance, that he should upon no account whatsoever hold Correspondence, or treat with the aforesaid Mary late queen of Scots, concerning Marriage with her the said Mary late queen of Scots; and notwithstanding the aforesaid duke, by divers letters and instruments writ with his own hand to the said lady queen Elizabeth, his supreme sovereign lady, publicly denied and renounced the aforesaid Marriage, protesting that he the said duke was never engaged, or had proceeded in the said Marriage.—And also the said Jurors, upon their corporal oaths, further present and say, That Thomas earl of Northumberland, late of Topcliffe in the county of York, and Anne his wife; Charles earl of Westmoreland, late of Branspeth in the county of Durham; Richard Norton, late of Norton Comers in the county of York; Thomas Markenfield late of Markenfield in the said county, esquires; totogether with several other false Traitors, rebels, and public enemies of our said lady queen Elizabeth, not having the fear of God before their eyes, nor considering their due allegiance, but seduced by the instigation of the devil, imagined, devised, and conspired to deprive and depose the said lady queen Elizabeth from her royal dignity, title, and power of her kingdom of England; and also to bring about and compass the death and final destruction of the said lady queen Elizabeth, with the intention and design to complete and fulfil all their traitorous conspiracies and devices, on the 16th day of Nov. in the 11th year of the reign of the said queen, at Rippon in the said county of York; by their own consent and appointment, they did falsely and traitorously meet and assemble themselves together, with a great multitude of people, to the number of 4,000 men and more, ready armed and prepared for open war against their said queen Elizabeth, their supreme and sovereign lady, at Rippon aforesaid, the 16th day of Nov. aforesaid, in the year aforesaid, falsely and traitorously they were ready prepared and armed to execute all and singular the treasons and conspiracies aforesaid, of the said Thomas earl of Northumberland and Anne his wife, Charles earl of Westmoreland, Richard Norton, and Thomas Markenfield, with many others of the said false traitors and rebels aforesaid, by due form of law legally indicted, and afterwards upon that legally outlawed and attainted, as they now stand upon record in her said majesty's court of queen's-bench.—And after the perpetration and commission of the aforesaid wicked treasons, in manner aforesaid by them committed, the aforesaid Tho. earl of Northumberland, and Anne his wife; Charles earl of Westmoreland, R. Norton, and Thomas Markenfield; with many other false traitors and rebels aforesaid, the 20th day of Dec. in the 12th year of the reign of our said sovereign lady the queen, for those Treasons fled out of this kingdom into the kingdom of Scotland; and there resided, and were received, aided and assisted by several noblemen, and other great men of the said kingdom of Scotland, viz. by James duke of Chastelleroy, the earl of Huntley, Mr. Harris, Mr. Hume, and Mr. Firmherst, and other Scots, then subjects of the said kingdom of Scotland, detained from our said lady queen Elizabeth; in and towards which noblemen, and other great men of the aforesaid kingdom of Scotland, the said lady queen Elizabeth afterwards proclaimed, and caused war to be made upon the said rebels, as public enemies to her kingdom of England, by Tho. earl of Sussex, her majesty's lord lieutenant, and lieutenant-general of the north, with a powerful and strong army to oppose the enemy. Upon which account, Charles earl of Westmoreland, Anne, wife of Thomas earl of Northumberland, Rd. Norton, and Tho. Markenfield, fled from the aforesaid kingdom of Scotland, and transported themselves to Antwerp in Brabant, where they resided. And there the same Charles earl of Westmoreland, Anne wife of the said Tho. earl of Northumberland, Rd. Norton, and Tho. Markenfield, contrary to their due allegiance, staid in manifest contempt of the said queen and her laws. Yet the aforesaid Thomas duke of Norfolk, not ignorant of the premises, but well and truly knowing all and singular the transactions in manner and form aforesaid, the 6th day of August, in the 12th year of the reign of the said queen Elizabeth, at Charter-House aforesaid, in the county of Middlesex aforesaid, and divers others days and places afore and after, falsly and traitorously took care, and caused to be sent, delivered and distributed, several sums of money, to aid, assist, and support the aforesaid Charles

earl of Westmoreland, and Anne wife of Tho. earl of Northumberland.—And further, That the said Thomas duke of Norfolk, the 16th day of July, in the 13th year of the reign of the said lady Elizabeth, queen of England, at Charter-House aforesaid, in the county of Middlesex aforesaid, and divers other days and places afore and after, falsly and traitorously adhered to, aided and assisted James duke of Chastelleroy, earl of Huntley, Mr. Harris, Mr. Hume, Mr. Burleigh, and Mr. Firmherst, public enemies to our said lady Elizabeth, then queen of England.—And further, the Jurors aforesaid, upon their oaths, present and say, That whereas Pius Quintus, sometime bishop of Rome, was and is known to be a deadly and public enemy to our said lady queen Eliz. and her kingdom of England; that the said Tho. duke of Norfolk well and truly knowing and understanding this, the 10th day of March, in the 13th year of the reign of the said lady queen Eliz. at Charter-House aforesaid, in the county of Middlesex aforesaid, and divers other days and places afore and after, with intention to produce the said traitorous effects, falsly, subtilly, and traitorously consented, consulted, advised, and procured one Robert Ridolph, a foreign merchant beyond the seas, and out of the kingdom of England, to send to the aforesaid bishop of Rome, to Philip king of Spain, and to the duke of Alva, to obtain of the aforesaid bishop of Rome certain sums of money, towards the raising and maintaining of an army to invade this kingdom of England, and to make war in the said kingdom, against the aforesaid lady Elizabeth, queen of England, &c. And that the said king of Spain, by the mediation of the said duke of Alva, did send into this kingdom of England a certain army of Germans to invade and make open and cruel war against the said lady queen Elizabeth.—And also that the same Thomas duke of Norfolk, the same 10th day of March, in the said 13th year of the reign of the said lady queen Eliz. aforesaid, and divers other days and places afore and after, at Charter-House aforesaid, in the county of Middlesex aforesaid, falsely, wickedly, and traitorously conspired, consented, and agreed with the aforesaid Robert Ridolph, to advance, stir up, and raise within this kingdom of England, all the forces and power that he the aforesaid Thomas duke of Norfolk and his confederates were by any means capable of raising, or engaging others to raise within this kingdom of England, to join with the aforesaid army, and with other subjects of this kingdom of England, whom the said duke of Norfolk could gather together and join with the said army by the said king of Spain, in order to make open war against our said lady queen Elizabeth, within this her kingdom of England; and to take away and free Mary, late queen of Scots, out of the custody and possession of our said lady Elizabeth queen of England; and at the same time to deprive, depose, and eject the most illustrious and Christian princess queen Elizabeth, from her royal dignity, title, power, preheminence, and government of this kingdom of England: and at the same time, him the said Thomas duke of Norfolk, to join himself in marriage with the aforesaid Mary, late queen of Scots.

And further, the Jurors upon their oaths present and say, That the aforesaid Robert Ridolph had writ and composed three distinct and separate Letters of credit, in the name of the aforesaid Thomas duke of Norfolk, for him the said Robert Ridolph, in his false, wicked and treasonous messages aforesaid; viz. one of those letters to the aforesaid duke of Alva, another to the aforesaid bishop of Rome, and a third to the aforesaid Philip king of Spain. That afterwards the same Thomas duke of Norfolk falsely and traiterously intending, willing, and desiring success and effect from the aforesaid false and traiterous messages, by the aforesaid Robert Ridolph, as appeareth by his sending one Wm. Baker gent. one of the servants of the said Thomas duke of Norfolk, the 20th day of March in the 13th year of the reign of the queen, at Charter-House aforesaid, in the county of Middlesex aforesaid, falsly and traiterously sent to Guerrawe Despeis, embassador of the said Philip king of Spain, to declare, shew, and affirm to the aforesaid ambassador of the aforesaid Philip king of Spain, that he the said Thomas duke of Norfolk had affirmed and would affirm the aforesaid credential letters to the aforesaid duke of Alva, the bishop of Rome, and Philip king of Spain composed and writ in his name, were as valid to all intents and purposes, as if he the said Thomas duke of Norfolk had writ them with his own hand.—And further, the said Jurors upon their oaths present and say, That the aforesaid Robert Ridolph, the 24th day of March, in the 13th year of the reign of the said lady Eliz. queen of England aforesaid, at Dover, in the county of Kent, took his journey to several parts beyond the seas, in order to execute, perfect, and complete the said treasonable messages, with the consent and agreement of the aforesaid Thomas duke of Norfolk. And afterwards the aforesaid Robert Ridolph conveyed, declared, and communicated the said wicked and traiterous messages in foreign countries and parts beyond the sea, as well to the aforesaid duke of Alva as to the aforesaid bishop of Rome. And that the aforesaid Robert Ridolph, amongst his many other false and traiterous Messages, conveyed one Letter in unusual characters called Cyphers, which the aforesaid duke of Alva caused to be writ and sent to Thomas duke of Norfolk; which very letter, as declared to be writ and sent, he the said duke of Norfolk, the 18th day of April, in the 13th year of the reign of the said queen Eliz. aforesaid, at Charter-House aforesaid, in the county of Middlesex aforesaid, falsely and traiterously received and had; and then and there gave and delivered to the aforesaid Wm. Baker his servant several written pages in known letters, commonly to be deciphered: and the said Papers in common and known ci-

phers or characters he the said duke afterwards on the 25th day of April, in the 13th year of the reign of the said queen Eliz. at Charter-House aforesaid, in the county of Middlesex aforesaid, falsely and traiterously received, inspected, and read over the said papers, and then and there falsely and traiterously retained and kept them. By which letters of the said Robert Ridolph to him the said Thomas duke of Norfolk, amongst other things, are signified and he makes known what a kind audience and reception he the said Robert met with from the aforesaid duke of Alva in his wicked and traiterous messages aforesaid. And that the said duke of Alva required and willed the friends and abettors of the said confederacy to be ready, whensoever a foreign power should be sent into this kingdom of England.—And furthermore, the same Jurors upon their oaths present and say, That the said Thomas duke of Norfolk, the 16th day of June, in the 13th year of the reign of the said lady queen Elizabeth, at Charter-House aforesaid, in the county of Middlesex aforesaid, falsely and traiterously received a Letter directed to him the said duke, from Pius Quintus bishop of Rome; by which the said bishop of Rome promised to the said duke of Norfolk, aid, help, and assistances towards executing the said wicked and traiterous designs of the aforesaid Mary, late queen of Scots, contrary to their due allegiance, and the peace of our sovereign lady Elizabeth, now queen of England, her crown and dignity, and in manifest contempt of the laws of this kingdom, as well as the worst and most pernicious example of all other delinquents in the like case, and contrary to the form of several statutes in this case made and provided."

After the reading of the Indictment, the clerk of the crown said to the duke: How sayest thou, Thomas duke of Norfolk. art thou guilty of these Treasons whereof thou art indicted, in manner and form as thou art thereof indicted, Yea or No?

Thereupon the Duke began, and said to this effect: May it please your grace, and you the rest of my lords here, the hearing of this Indictment giveth me occasion to enter into the making of a suit, which I meant not to have done before my coming hither: I beseech you, if the law will permit it, that I may have counsel allowed me for the answering of this Indictment.

The Lord Chief Justice answered, That in case of High-Treason he cannot have counsel allowed: and that he was to answer to his own fact only, which himself best knew, and might without counsel sufficiently answer.

Duke. That you may understand that I speak it not without some ground, these be the causes that move me to make this suit: I was told before I came here, that I was indicted upon the Statute of the 25th of Edw. 3. I have had very short warning to provide to answer so great a matter; I have not had 14 hours in all, both day and night, and now I neither hear the same statute alledged, and yet I am put at once to the whole herd of laws, not knowing which particularity to answer unto. The Indictment containeth sundry points and matters to touch me by circumstance, and so to draw me into matter of Treason, which are not treasons themselves: therefore with reverence and humble submission I am led to think I may have counsel. And this I shew, that you may think I move not this suit without any ground. I am hardly handled, I have had short warning, and no books; neither Book of Statutes, nor so much as the Breviate of Statutes. I am brought to fight without a weapon: yet I remember one case in law, I think it is in the first year of king Henry 7. It is the case of one Humphrey Stafford, which was indicted of High-Treason, and had counsel allowed him: if the precedent in his case be such, as it may extend to me, I require it at your hands, that I may have it allowed: I shew you my ground why I crave it, I refer me to your opinions therein.

Then sir *James Dyer*, Lord Chief Justice of the Common-pleas, said: My Lord, That case of Humphrey Stafford *in primo* of Henry 7, was about pleading of Sanctuary, for that he was taken out of sanctuary at Culneham, which belonged to the abbot of Abingdon: so the question was, whether he should be allowed sanctuary in that case, and with that form of pleading, which was matter of law: In which case he had counsel, and not upon the point or fact of High Treason; but only for the allowance of sanctuary, and whether it might be allowed, being claimed by prescription, and without shewing any former allowances in Eyre and such like matters; but all our Books do forbid allowing of counsel in the point of Treason; but only it is to be answered Guilty, or Not Guilty.

Duke. Humphrey Stafford's Case was High-Treason, and he had counsel. I must submit myself to your opinions: I beseech you, weigh what case I stand in. I stand here before you for my life, lands and goods, my children and my posterity, and that which I esteem most of all, for my honesty; I forbear to speak of my honour. I am unlearned: if I ask any thing, and not in such words as I ought, I beseech you bear with me, and let me have that favour that the law allows me. If the law do not allow me counsel, I must submit me to your opinions. I beseech you, consider of me; my blood will ask vengeance, if I be unjustly condemned: I honour your learnings and your gravities: I beseech you, have consideration of me, and grant me what the law will permit me. I am now to make another suit to you, my lords the Judges: I beseech you, tell me, if my Indictment be perfect and sufficient in law; and whether in whole, or in the parts, and in which parts, that I may know to what I should answer.

Lord Chief Justice *Catlin.* For the sufficiency of your indictment, it hath been well debated and considered by us all; and we have all,

with one assent, resolved, and so do certify you, that if the causes in the indictment expressed, be true in fact, the indictment is wholly and in every part sufficient.

Duke. Be all the points Treasons?

L. C. J. *Catlin.* All be Treasons, if the truth of the case be so in fact.

Duke. I will tell you what moveth me to ask you this: I have heard of the case of the lord Scroope; it was in the time of Henry the 4th, (the Judges said Henry the 5th) he confessed the Indictment, and yet traversed that the points thereof were no Treasons.

L. C. J. *Catlin.* My lord, he had his Judgment for Treason upon that Indictment, and was executed.

Then the Clerk of the Crown said again, How sayest thou, Thomas duke of Norfolk, art thou guilty of the Treasons whereof thou art here indicted, in manner and form as thou art indicted, Yea, or No? The Duke answered, Not Guilty. The Clerk said, By whom wilt thou be tried? The Duke said, By God and my Peers.

Then the Duke spake to the lords, and said thus: Now I am not to use a short speech, which I meant before to have used, but that the reading of the Indictment hath driven me to other occasions. Although these heinous Treasons and outrageous faults objected against me, do much abash me: yet I conceive no small comfort, to think under how gracious a queen and sovereign lady I live, which well appeareth by her most gracious proceeding with me according to the course of law. Her majesty seeketh not my blood, but giveth me the Trial which the laws admit, and in the most favourable manner that I can require; for which I am most bounden to her majesty. Now I am to make two suits: the one to your grace, my Lord High Steward, That as your place requireth to do justice, so it may please you to extend to me your lawful favour, that I may have justice, and that I may not be overlaid in speeches: my memory was never good, it is now much worse than it was; sore troubles, sore cares, closeness in prison, evil rest, have much decayed my memory; so as I pray God, that this day it fail me not, and another time I will forgive it: I beseech this of you, my lord high steward. The second request, I thought to make to you, my lords, my peers: I think myself happy to have my Trial in such a company. A much greater matter, if I could have greater, I durst put it into your hands, and (a very few excepted) even into every one of your hands singly; that opinion I have of you. I know religion beareth a stroke among you, which, I hope, so ruleth your consciences, that for no respect you will swerve from justice; you will not bring a worm into your own consciences; you will not burden your souls with condemning me wrongfully; you will not do what God's law and right alloweth not. This above all things comforteth me, next unto her majesty's most gracious favour of my lawful trial. If I had not made a full account to have this for the way of my lawful purgation, I needed not to have been here at this time, neither for matters passed two years ago, nor for that whereof I am charged at this present. I have chosen, my peers, I have chosen rather to come here to be tried by you, than with needless and cowardly running away, to have left a gap open for my enemies slanderously to lay to my charge in my absence what they could maliciously invent. I have this day (though I am sorry for any cause to come in this case before you) even the day that I could wish to be tried by such peers. I will not enter into particularities, and discourse my whole cause at large, but answer from point to point, as I shall be charged; for my memory was never good, and it is now worse than ever it was. Yet one request more I beseech of you, my peers, which I with favour may ask, and you with justice may grant; unhappy man that I am, though I have to this Indictment pleaded Not Guilty of the Treasons therein objected against me, nor of no Treasons; yet I confess, as I have with all humility, and with tears confessed, and as some of you, my lords, here present can witness, that I have neglected my duty to the queen's most excellent majesty, in cases inferior to treason, and that be no parts of treason: I have laid them at her majesty's feet, and poured them forth before her in Confession, so far as my conscience will suffer me to declare. Let, I beseech you, neither my Confession already made of inferior faults, that be not in compass of treason; nor, if I shall now in mine Answers confess them again, if they be objected against me; lead you to judge the worse of me in the greater case. Let each fault have his own pine; I beseech you, remember the differences and degrees of offences, and not to mix my smaller faults with this great cause: let these mean crimes rest at her majesty's feet, where I with all humility have laid them. Thus I beseech you all, have consideration of me.

Then spake the Queen's Serjeant, Mr. *Barham*, and said to this effect. It hath appeared to your grace and your lordships all, that the duke of Norfolk is by this Indictment charged with three principal points of High Treason: the first is, That forgetting his allegiance and duty to his sovereign lady the queen, he hath traiterously imagined, devised and practised, to deprive and depose the queen's majesty of and from the crown of this realm, and her royal stile, name and dignity, and to bring her to death and destruction; and so to alter the whole state of government of this realm. The second point is, That he hath traiterously relieved and comforted the English rebels that levied war against her majesty within her realm, and which since fled into Scotland, and from thence beyond the sea. The third point is, That he hath traiterously given relief and maintenance to the duke of Chastelleroy, the earl of Huntley, the lord Harris, the lord Hume, and other Scots, the queen's majesty's public enemies, succourers and detainers of the said

rebels. To prove these great Treasons, there is in this Indictment set forth unto you good and sufficient matter; first, to prove that the duke of Norfolk sought, imagined, compassed and practised to deprive and depose the queen's majesty of her royal crown, estate and dignity; and consequently to bring her to death and destruction, are alledged two matters: the first is, That the duke knowing the Scotish queen falsely and unjustly to claim and pretend title, to have and enjoy the present possession of the crown of England; and that she untruly usurped the name and stile of this realm; and that she gave and quartered the arms of England without difference; and that she continued in that fact, and usurped claim without renunciation thereof, and without acknowledging her error unto the queen's majesty, though she hath been thereto required: He, I say, knowing all this, yet without the queen's maj.'s assent against her majesty's special and express commandment upon his allegiance, and against his own promise and protestation upon his faith, hath nevertheless secretly sought and practised to join himself with the said Scottish queen in Marriage, and to advance and maintain her said false and pretended title to the present possession of the crown of this realm; which cannot be without purpose to depose and deprive the queen's majesty, and consequently to bring her to death and destruction. The second is, that the duke of Norfolk hath conspired and practised to procure strangers to enter into this realm, and invade the same, and to make open war against her majesty, within her own realm; and so forcibly to work her deposing, deprivation, death and destruction. Hereupon the said duke hath pleaded Not Guilty, and for his trial hath put himself upon his peers; yours therefore is the trial. And now for Evidence to prove him guilty of the treasons contained in the said Indictment, it may please your lordships to hear such a matter as I shall for the queen bring forth against him.

Duke. I am occasioned, by the speech of Mr. Serjeant, to gather what I shall find in the rest of them; a meaning with circumstance to draw me into treason, with eloquence to overlay me, and to exasperate matters extremely against me, and to enforce things that be not treasons indeed. I beseech you, my masters, for God's sake do your duty, remember equity, consider conscience, and what I am: I am no stranger, I am a Christian man, and an English man. You may do your duties to the queen sufficiently, and yet deal conscionably with me, and heap not, unconscionably, circumstances to cloy my memory. Go directly to the Indictment, it is no praise nor glory for you to overlay me. I am unlearned, unable to speak, and worst of all to speak for myself; I have neither good utterance, as the world well knoweth, nor understanding: for God's sake do not overlay me with superfluous matter. One thing I had forgotten: I knew a man suspected is half condemned. Now as it happened in my last trouble, so at this time there want not to put abroad to the world, and heap up things which I never thought; a great number of such there be, as I see many here at this present. They have published, that I took an oath of things which afterwards proved contrary; blame me not that I mistrust the worst, because I have found the worst. But to take away scruple from you, true it is, that I took an oath, but not generally, but to special points. And now when I take an oath to points, to draw me to the whole, and to take *pars pro toto*, is great injury. To prove that I took that oath to parts, and not to the whole, I refused to set my hand without expressing of the point; for my hand, my oath, and my heart shall go all together. And for further proof that my oath was but to special points, I can name good witnesses to whom I did presently, within three hours after my oath taken, specially report the three points that I made mine oath unto. This, I say, to take from you the scruple of such matter as I have been charged with, and which perhaps you have heard of me to my discredit.

Then said Mr. Serjeant *Barrham*, I have yet given no Evidence, and for that Oath you are not once yet charged withal. I have done nothing yet but recited the matter contained in the Indictment; now will I bring forth matter for the queen in Evidence, and will prove the things in the Indictment to be true. There are alledged three great Treasons, as I have before said; the first only I will deal with, that is, to prove that the duke of Norfolk imagined, compassed and conspired, to deprive and depose the queen's majesty, our sovereign lady, of her crown and royal estate and dignity: and I will use the second matter but for inducement of the first, by shewing how the Scotish queen falsely and unjustly claimed the present possession of the crown of this realm; and that he knowing that the Scotish queen so unjustly claimed the said crown, that she quartered the arms of England, that she usurped the style and royal name; that she hath not acknowledged her error, nor renounced her untrue and unjust claim and usurpation, though she hath been required thereunto; and whereto himself hath been privy and hath dealt in treaty, as a chief commissioner for the queen's majesty for that purpose: this matter, I say, I will set out; how he knowing all this, yet without the assent of the queen's majesty, against her highness's express commandment upon his allegiance, against his own faith and promise to the contrary, practised to join himself in Marriage with the said queen of Scots: and I mean to join thereto an intent of his, to advance and maintain that unjust title of the Scotish queen. If then this attempting to join himself in marriage with the Scotish queen shall be proved unto you, and that he knew of her unjust claim and pretence of title, and that thereby he joined himself to advance and maintain the said title, this must needs tend to a purpose and imagining to depose and deprive the

queen's majesty, and thereupon consequently to bring her to death and destruction, which is High Treason within the compass of the statute of 25 of king Edw. 3. For whoso shall imagine and go about to maintain a title to the present possession of the queen's crown, and to join himself in marriage with her that so claimeth, without doubt he meaneth to aspire to the crown himself; and so meaning, it plainly followeth, that he cannot suffer her majesty to reign, and his jealousy cannot suffer her to live where he desireth to reign.—Now will I show you the manner of his procuring to match himself in marriage with the Scotish queen, and first the beginning thereof: first of all, to prove how secretly he dealt to that end, by suits and means, before he was a commissioner, to examine causes between the Scotish queen, and the young king her son, and other the lords of Scotland. Before that time there were secret suits and practices between them by motions, by messages, by letters and tokens, and pleaded so far forth, as that the Scotish queen took it, that she was assured of his good-will. For when commission was directed to him, and to the earl of Sussex, and to sir Ralph Sadler, counsellors of the dutchy of Lancaster, the Scotish queen had reposed full affiance in the duke of Norfolk, to have at his hands favourable hearing; and so she reported, and so indeed it followed. And where you speak of an Oath, and seem so loth to be disproved, and would so feign have it taken, that your oath, hand, and heart go all together; there was an oath specially appointed for the commissioners, that they should deal in that matter between the Scotish queen and her son and nobility, directly, sincerely, and uprightly, and to weigh all things that should be objected or answered on either part indifferently without all partiality. Then after this path taken, the duke being the first named commissioner, this oath notwithstanding, dealt indirectly, deceived the queen's majesty's trust, and demeaned him partially against his said oath, wherein he committed wilful perjury: besides that, without regard of his oath of a sworn counsellor to the queen's majesty of her privy council, he disclosed her majesty's secrets, and fell to practising for matching himself with the Scotish queen in marriage. Now shall I prove his knowledge at the same time, that the Scotish queen pretended title to the present possession of the crown of this realm.

Duke. Then the duke asked, if all the treasons contained in his Indictment were upon the statute of king Edw. 3, and it was answered by Mr. Serjeant and Mr. Attorney-General, that they were grounded upon the same statute only. Then the duke began thus: Here the matters that Mr. Serjeant hath proved against me stand in two points; by which he chargeth me with imagining the deprivation and death of the queen's majesty, and with indirect and untrue dealing in the Scotish queen's cause; and therein he burdeneth me with perjury. The Scotish cause hath divers pleas, and therefore bear with me, I pray you, if I cast back again to rehearse my doing therein, for my memory is not good: as for my dealing therein, God is my witness, that I have done uprightly.

Serj. Then Mr. Serjeant urged him to confess if he had knowledge that the Scotish queen pretended Title to the present possession of the crown of England; offering, if the duke would deny it, to make proof of it.

Duke. I will make mine own Confession; I pray you to teach me not how to answer or confess, because it is the first ground that you build upon against me: and because I know not whether my peers do all know it or no, I will make a short Declaration of my doings in that matter with the Scotish queen.

Serj. First we pray your grace (speaking to the Lord High Steward) that he may directly answer, whether he knew that the Scotish queen so claimed or no; if he say no, we will prove it.

Duke. Then being ruled over by the lord high steward, that he should answer directly to that question, he answered, That indeed he knew that she had so claimed but with circumstance.

Serj. Say plainly, Did you know it or no? for if you say nay, we can prove it.

Duke. You handle me hardly, you would so trap me by circumstance and infer upon me that she was the queen's enemy, and so make me a traitor. I will answer directly to the whole matter of my dealing with her.

Serj. Answer to the parts as they fall out. Did you know that she claimed the present possession of the crown? That she usurped the arms and royal style of this realm? and that she made no renunciation of that usurped pretence? If you say you knew it not, we will prove every part of it.

Duke. I did not know it in such sort as is alleged; I know that renunciation of that claim was offered, and upon certain causes respited.

Serj. It is well known, and yourself then knew it, That the Scotish queen claimed the present possession of the crown of England, quartered the arms of England with the arms of Scotland, and usurped the style of this realm; and that there was a French power sent to prosecute it by invading this land by the way of Scotland: your self was made the queen's majesty's lieutenant, and levied an army to expulse them. Afterward the queen's majesty sent her embassadors, which met with the French lords and Scotish queen's commissioners at Edinburgh, and agreed upon a treaty of peace; in which one special Article was, that the Scotish queen should acknowledge her error, and should renounce her pretended Claim to the present possession of the crown of this realm. It was not done, nor yet is done. My lord of Norfolk was at this treaty; and when this last commission went out, when the commissioners sat at York about the matter between the Scotish queen, her son, and the nobility of Scotland, wherein were commissioners

the duke of Norfolk, the earl of Sussex, and Mr. Chancellor of the Dutchy; one special Instruction was for the Scotish queen's Recognition of her unjust claim, and to require that she should ratify the former treaty of peace. The duke knoweth well it was not done.

Duke. What is this to me? I need not enter to defend her doings, I like them not. It is not my case, but that you make it my case; else I would not meddle with it, answer it who would for me. Indeed I have heard, that being covert-baron then, married to the French king, in her husband's life she made claim to the crown of England, and quartered the arms of England with the arms of Scotland. I have heard also, That sir Nich. Throckmorton made complaint thereof, and moved for redress, and thereupon it was laid down. I have heard that she hath been requested to make renunciation of that Claim when the peace was concluded, when Montmorency came over, and time was taken for it. After this there grew amity between the queen's majesty and the Scotish queen; the queen took her for her friend, sent embassadors unto her, and christened her child; all this excluded enmity. And when my lord of Bedford was there, and moved her for ratifying of the Treaty, and for the Renunciation, she refused not; but said, she would send to shew causes why she did it not presently. And then it was refused not absolutely, but upon certain words, and the treating thereof committed to my lord Burleigh and Mr. Wotton. As for our commission at York, it took no end; the matter was brought up hither, and here was sat upon at Westminster in the Parliament-Chamber. And this is my understanding, that she claimed the crown, and I have not otherwise known it.

Serj. Thus have you confessed far enough, That you knew that she did pretend title to the present possession of the crown; that she quartered the arms, and usurped the royal stile of this realm.

Duke. It was in her husband's time, when she was covert-baron.

Serj. You knew also how since her husband's time, she hath not renounced that claim; and you had, in special, instruction to require it when you were commissioner.

Duke. A full renunciation was offered when the lord Burleigh was with her, and our commission was ended, and the matter brought up hither.

Serj. But what was the cause why it took no end by your commission; Yourself was the cause that the commission broke up; because you dealt indirectly; you set out your own affection and partiality, and behaved yourself partially, without regard to the queen's majesty's special commandment, without regard of your oath, then specially taken for that commission, or of your oath as a counsellor: you uttered your partiality, you disclosed to the other side aforehand the queen's secrets: you devised with the one side, and gave them counsel how to deal for stay of the matter: you did prevaricate the queen's intention: and when you were by your commission to examine the Scotish queen's adulteries, and her murdering of her husband, you practised with those that were dealers for the Scotish queen, and you told them, by way of advice, That if these matters went forwards to hearing, the earl Murray, and his side, would disclose all the foul matter that they could, both by her letters and other evidences, to her dishonour; and that the queen's majesty had some such counsellors about her, as if these things were once produced, she would cause them to be published, that all foreign princes should understand them, to the Scotish queen's great infamy, and to move foreign princes, to proceed no further suing for her. And this was the cause of the breach and dissolution of your commission.

Duke. You said you would prove that I knew of the Scotish queen's claiming the present possession of the crown.

Serj. Yourself have confessed it; for you know there was yet no renunciation made, and you were special commissioner for that purpose: and though your commission took no effect, yet by that, that the requiring of the renunciation was matter of your instructions, and the same not done, it is plain that you knew sufficiently of her former unjust claiming of the present possession of the crown: And now will we by good evidence prove your partial and indirect dealing in that commission. Here I will produce matter of your own conference at York with Ledington and the bishop of Ross, and how yourself told them, that you understood at Lyth, that rigorous matter would be set out by the earl Murray and the rest of that side, against the Scotish queen, touching her whoredom and the murder of her husband. You gave advice to stay the earl of Murray, from so doing: you told the Scotish queen's ministers, how the queen of England had some counsellors that could cause her to publish all those matters to the Scotish queen's infamy; you practised with them to devise to qualify the matter: you told the way that you thought best to do it; you advised them to deal with the earl of Murray, that the matter might be compounded, or else so to handle it, that it might take no end.

Duke. Here the duke took advantage of that Mr. Serjeant had said, That the duke understood at Lyth: for the duke then protested, that at that time he had never been at Lyth. Whereupon the lord Burleigh dissolved that knot, and said on the duke's behalf to Mr. Serjeant:

Burleigh. You were best proceed with your evidence: you may mistake: my lord Norfolk had not then been at Lyth, otherwise than he and I were there once secretly in a morning. The cause of this error rose thus: In one Scotish Paper produced for that matter, was contained, how the duke understood at *Lyth*, which in Scotch is as much as at *length*; which Mr. Serjeant, in perusing the matters for Evidence delivered unto him, took for Lyth,

as the clerk of the crown also afterwards did in reading the same paper. Then was produced an Examination of the bishop of Ross, taken at the Tower, Nov. 5, 1571, as followeth:

The Scotish queen told the bishop of Ross, that the conference at York was to make the earl of Murray, and other her disobedient subjects, to answer before the queen's majesty of England's commissioners, for their unnatural and unjust proceedings against her; and that after their offences acknowledged for the queen of England's pleasure, they should be remitted, and received into favour again, and so all matters compounded.

The Bishop's Answer to this was, That he was sorry she had agreed to any conference wherein they should be accused; for he was assured in that case, they would utter all that they could for their defences, although it were for her dishonour, and of the whole realm: for they would be loth to confess openly that they were evil subjects, and she a good princess; and therefore he wished that the matter might be treated by way of concord, before any entry to accusations: and to that end he counselled her to travel with her friends at court to York. To this she replied, that there was no such danger in the matter as I supposed; for she trusted I would find the judges favourable, principally the duke of Norfolk, who was first in commission; and doubted not but the earl of Sussex would be ruled by him as his tender friend, and sir Ralph Sadler would not gainstand their advice; and that Liggons had been at Bolton, by whose message, told by him to the lord Scroope, he understood of the duke's good will towards her, and the bruite was also spread abroad of a marriage between the duke and her; and besides, that she had many good friends in the country that did favour her, and seek to her, such as the earl of Northumberland and his lady, by whom she had many intelligences and messages; the Nortons, Markenfield and others, who would all be with the duke at York, and would persuade him to favour her case. In the mean time, before our passage to York, Robert Melvin came to Bolton with letters, sent by Ledington from Fauly Castle to the queen my mistress, to advertise her, that the earl of Murray was wholly bent to utter all that he could against her, and to that effect had carried with him all the letters which he had to produce against her, for proof of the murder, whereof he had recovered the copies, and had caused his wife to write them, which he sent to the queen; and that he had not come into England in the earl of Murray's company, unless it had been to do her service, and to travel for mitigation of those rigors intended; desiring to be certified by Robert Melvin, that she wished to stay those rigorous accusations: and because he was well acquainted with the duke of Norfolk, desired him to travel with the duke in his favour, and that he would confer with the bishop of Ross, by whom he should understand his whole mind particularly from time to time. After this, Robert Melvin at York did bring me to Ledington's lodging, where we talked almost a whole night; where he told, That he had conferred with the duke, who seemed to bear great good-will to the queen my mistress, and had willed him to counsel the earl of Murray, and others, to abstain from uttering any dishonest matter against the queen, but to grant to some compositions amongst themselves: so that Ledington said, it appeared to him, that the duke had some intention to marry with the queen, as the bruite was; and that he did verily believe, that if it were followed, the marriage would take effect, which would be most of all other things for the queen's honour and weal: and willed me to speak with the duke secretly alone, without the commissioners, and Ledington should advertise the duke to appoint the time convenient, as he did one day in the morning by seven of the clock, before the meeting of the commissioners. I talked with the duke alone in a gallery, where he uttered to me, That he bore good will to the queen my mistress, and that he had talked with the earl Murray at *length, (b)* and had seen the Letters which they had to produce against the queen my mistress, and other Defences, whereby there would such matter be proved against her, that would dishonour her for ever; and if it were once published, the queen's majesty of England would get counsel by such as loved not the queen my mistress, to publish the same to the world, and to send embassadors to all other princes, to make the same known to them; so that they would make no further suit for her delivery, and perhaps greater rigour might ensue to her person: Therefore he advised me to confer with Ledington; and that betwixt him and me, we might find some means to stay the rigour intended; and promised all that he could do to that effect, by Ledington's advertisement, he would do. I replyed, that Ledington would have her to ratify the dimission made at Lochlevin for a time, for he had assured her it could hurt her no more, being kept prisoner in England, than that which was done in Lochlevin: for so should she stay the uttering of any matter against her, and within six months she should be restored to her country with honour; and so might revoke all done by her.

To this the Duke: What if that were done to be quit of the present infamy and slander, and let him work out the rest? I told him, we were come to that conference for to make an agreement, and not to answer to accusations: and therefore wished him to further the agreement amongst us. He answered, That their commission was only to hear the differences amongst us; and if I would propound any thing, he would like well of it, and should advertise the queen's majesty, his mistress, thereof, and get her answer. In this conference, the duke did oftentimes insinuate the good will that he did bear to the queen my mistress, but

(b) This was written in Scotish, *Lyth;* which occasioned the error before.

spoke nothing to me particularly of the Marriage at that time; but referred all to Ledington. Upon this I did confer with Ledington divers times, by whose advice I rode to Bolton, to speak with my mistress, in the time of my conference; and during my remaining there, the conference was broken up, and the whole commissioners for our part, came to Bolton. And so my lord Harris and I were sent to London. In the mean time, Robert Melvin came to Bolton to the queen, with messages of Ledington's, of such conference as he had with the duke at the hunting in the Fields, where I believe Ledington did well encourage the duke to attempt the Marriage, as he told me afterwards; declaring her properties and the honour and commodities that might ensue to them both thereby; and that the duke did give good ear thereto, wishing to the queen to follow that course. In the mean time, the duke had Liggons, and others, going between them and the lady Scroope, who did entertain the matter betwixt them. After this, the duke coming to Hampton-Court, Ledington made the mean with the duke, to cause him to send Liggons to deal with me upon this behalf, and to give me some favourable advertisement of the weal for our cause, and likewise the duke caused the lord Lumley sometimes to speak with me, to advise me what was best to be done, and especially when the Spanish ambasdor had spoken to me of the Marriage of one of the House of Austria; the duke, by my lord Lumley, counselled me to open the matter to the queen's majesty, by my lord of Arundel, which might be an occasion to move her to like better of the match with him, than with any foreigner. And then he sent me word by Liggons, that the queen's majesty was informed of such a like bruite, of his Marriage with the queen of Scots; but he had satisfied her well enough, and so still did follow the matter, and did treat thereupon with the earl of Murray and Ledington at Hampton-Court: by whose advice Robert Melvin was sent to the queen, my mistress, at Rippon, to move the matter upon the earl of Murray's behalf, with a full determination, that the earl of Murray liked of it: which message I heard afterwards that Murray alledged he did send it, for fear of some enterprise against him, at Northallerton, in his return to Scotland. And so after this manner the matter had been entertained betwixt the queen and the duke from time to time, as is at length declared in the former Examinations.

Serj. The effect of all, is the Duke's partial and untrue dealing; for that before the bishop of Ross' going to York, the Scotish Queen declared to the bishop of Ross, that she doubted not of the favour of the duke of Norfolk: for she told him that my lady Scroope had by motions and means assured her of his good will, and she doubted not of my lord of Sussex's, for the great friendship and tender love he bare to the duke; and she made account that Mr. Sadler would be friendly, for that he alone would not stand to them both. It appeareth also, for further proof of his partial dealing, that though he was sworn, both as a counsellor to the queen's majesty, and also specially for the matter of this commission; yet he indirectly, secretly, and underhand, dealt with Ledington, and told him, how that the earl of Murray and his side intended to utter sharp matter against the Scotish queen. The duke gave his advice how to stay it, and so dealt partially, and against the queen's majesty's special trust and commandment, and against his own Oath and Promise. Next after that, in conference had with the duke of Norfolk on the Scotish queen's part, the duke declared his good will that he bare to the Scotish queen: he shewed how, that if the same matter of Evidence against her, were once uttered by the earl of Murray, some of the queen's counsellors of England would procure her majesty to publish them. He advised that the matter should be compounded with the earl of Murray; and that he should not stick, being here in England, and not at her own liberty, for the present time, to be content to ratify the dimission of the crown of Scotland, which she made at Lochlevin; and so she might be restored into her own country and then she might undo all again at her pleasure: and upon pretence of constraint and fear, as well revoke that which she should in England, as she before revoked that which she had done at Lochlevin in Scotland. Also the duke at that time was privy to the device, that Ledington accompanied the earl Murray only to understand his secrets, and to betray him; and that Ledington stole away the Letters, and kept them one night, and caused his wife to write them out. Howbeit, the same were but Copies translated out of French into Scotch; which, when Ledington's wife had written out, he caused them to be sent to the Scotish queen: she laboured to translate them again into French, as near as she could to the originals wherein she wrote them; but that was not possible to do, but there was some variance in the phrase; by which variance, as God would, the subtlety of that practice came to light.

Duke. What if all this be true? What is this to the matter? Any dealing of mine with the Scotish queen by my sister Scroope's means, I utterly deny. As for Ledington, and the bishop of Ross, what their Speeches were to me, I care not; I am to answer but for mine own Speeches.

Serj. The bishop of Ross accuseth you of your own speeches, and this he doth, being examined freely, and without any compulsion.

Duke. He is a Scot.

Serj. A Scot is a Christian man.

Duke. At my being at York in commission, Ledington broke with me himself to have the matter compounded between the Scotish queen and the earl of Murray. I told him that our commission was only to hear indifferently what should be alleged on both parts, and thereof truly to make report. What hurt is this? The bishop of Ross afterwards sent for me, that he

might speak with me: when we met, he moved me for the compounding of the matter, as Ledington had done. I told him, that our commission was but to hear and report, as I had told Ledington before; and therefore if they would fall to compounding, I willed them to devise the means themselves, and to make offers; and thereupon we would advertise the queen's majesty thereof, as we would of all the matters alleged. If it be otherwise, and as you say, let my letters be looked on, and see if they contain any such matter. If the bishop of Ross, for fear or for malice, have said untruly; if being a Scot, he care not how many English men, by his false testimony, he bring to destruction; I beseech you let not that hurt me.

Serj. You made the first motion of compounding the matter to Ledington yourself; and another time to the bishop of Ross, you offered to further it all that you could.

Duke. I never saw the bishop of Ross before I came to York; and would I, think you, deal so dangerously with a Scot that I never saw before? Also, I did by my letters signify to the queen's majesty our proceeding, and my misliking of the Scotish queen's part: let that letter be seen; which letter was written after my talk with Ledington. I wrote it when I went from York, and I never saw the bishop of Ross afterward, till I came to London.

Serj. The writing of your letters to the queen's majesty, wherein you advertised against the Scotish queen, and though the same were written after your conference with Ledington and the bishop of Ross, is no proof but that you dealt partially for the Scotish queen; for those letters were written by others, as well as yourself, namely, by my lord of Sussex, and Mr. Chancellor of the duchy: and you could not otherwise do, but to signify, notwithstanding your partial secret dealing; for else you should have too openly bewrayed your intention.

Duke. When Ledington moved me of the Marriage of the Scotish queen, I utterly refused it.

Serj. That is not so: and for proof, as well of your partial dealing in the Commission as for the Marriage, there shall be brought forth sufficient Evidence.

Here was alleged how a Letter had been written to the earl of Murray, requiring to be advertised by him of so much as he knew concerning the Doings of the duke of Norfolk, both for the matter of the Commission, and the practice of his Marriage with the Scotish queen: and the earl Murray's Answer to the same Letter was produced, and read, as followeth:

Note, That the beginning and ending of this Letter was not read; but so much only as pertained to the matter, viz.:

"In York, at the meeting of all the Commissioners, I found very honourable and neutral dealing with the duke and others her highness's commissioners, in the beginning of the cause, as in the making of the Oaths to proceed sincerely, &c. During which time, I only entered into general speech, sticking at our just defence in the matters that were objected against us by the said queen's commissioners; looking certainly for none other thing but a summary cognition in the causes of controversy, with a small declaratory to have followed. Upon a certain day, the lord Ledington's secretary rid with the duke to Cawood; what purpose they held, I cannot say: but that night, Ledington returning, and entering in conference with me upon the state of our action, I was advised by him to pass to the duke, and to require familiar conference; by the which I might have some feeling to what issue our matters would tend. According to which advice, having gotten time and place convenient in the gallery of the house where the duke was lodged; after renewing of our first acquaintance made at Berwick, the time before the siege of Lyth, and some speeches passed betwixt us, he began to say to me how he in England had favour and credit, and I in Scotland good-will and friendship of many. It was thought there could be none more fit instruments to travel for the continuance of the amity betwixt the two realms, than we two. And from that discourse upon the state of both, and how I was entered in that action tending so far to the queen's dishonour, I was willed by him to consider how matters stood in this isle, what honour I had received of the queen, and what inconveniencies her defamation in the matters laid to her charge, might breed to her posterity, whose respect was not little to the crown of England. There was but one babe, the Hamilton's, my unfriend, had the next respect; and if I should, the issue of her body would be the more affectionate to me and mine, than any other that could attain to that room: and so it should be meetest that she affirmed her dimission made in Lochlevin, and we to abstract the letters of her hand writ, that she should not be defamed in England. My reply to that was, how the matter had passed in parliament, and the letters seen to many; so that the abstracting of the same, could not then serve her to any purpose: and yet should we in that doing bring the ignominy upon us, affirming it could not be sure for us that way to proceed, seeing the queen's majesty of England was not made privy to the matter, as she behoved to be, in respect we were purposely come into England for that end, and for the justifying of the grounds of our cause. The duke's answer was, he would take in hand to handle matters well enough at the court. After this, at the occasion of certain articles that were required to be resolved in, before we entered directly in the declaration of the very ground of our action, we came up to the court; where some new commissioners were adjoined to the former, and the hearing of the matter ordained to be in the parliament house at Westminster. In presence of which commissioners for the said queen, and partly through the sharp rebuking

of the queen's majesty of England's commissioners we uttered the grounds of the action, and produced such evidences, letters, and probations as we had, which might move the queen's majesty to think well of our cause. Whereupon expecting her highness's declaration, and seeing no likelihood of the same to be suddenly given, but daily motions made to come to an accord with the said queen, our matters at home in Scotland in the mean season standing in hazard and danger; we were put to the uttermost point of our wit to imagine whereunto the matters would tend: for albeit we had left nothing undone for the justification of our cause, it appeared yet no end, but continual motions made, to come to some accord with the queen, and restore her to whole or half reign. I had no other answer to give them, but that I could neither do against conscience nor honour in that matter. Notwithstanding, seeing this my plain answer wrought no end or dispatch to us, and that I was informed that the duke began to mislike of me, and to speak of me as that I had reported of the said queen irreverently, calling her whore and murderer; I was advised to pass to him, and to give him good words, and to purge myself of the things objected to me; that I should not upon the sudden enter in his evil grace, nor have him to our enemy, considering his greatness: it being therewithal whispered and shewed to me, that if I departed, he standing discontented and not satisfied, I might peradventure find such trouble in my way, as my throat might be cut before I came to Berwick. And therefore since it might well enough appear that he aspired to her marriage, I should not put him in utter despair that my good-will cannot be had therein. So, few days before my departing, I came to the park at Hampton-Court, where the duke and I met together; and there I declared, that it was come to my ears how some misreport should be made of me to him, as that I should speak irreverently and rashly of the said queen, my sovereign's mother, such words as before expressed, that he might perceive my affection to be so alienated from her, as I could not love her, nor be content of her preferment. Howbeit, he might persuade himself of the contrary; for as she once was the creature in the earth that I loved best, having that honour to be so near unto me, and having received such advancement and honour by her, I was not so unnatural ever to wish her body harm, or to speak of her as was untruly reported of me, howsoever the truth were in itself. And as the preservation of her son, now my sovereign, had moved me to enter in this cause, and that her own pressing was the occasion of that which was uttered to her infamy; so whensoever God shall move her heart to repent of her by-past behaviour and life, and after her known repentance, that she should be separate from that ungodly and unlawful marriage that she was entered in, and then after were joined with such a godly and honourable personage, as were affectioned to the true religion, and whom we might trust; I could find in my heart to love her, and to shew her as great pleasure, favour, and good-will, as ever I did in my life. And in case he should be that personage, there was none whom I should better like of, the queen's majesty of England being made privy to the matter, and she allowing thereof; which being done, I should labour in all things that I could, to her honour and pleasure, that were not prejudicial to the king my sovereign's estate: and prayed him not to think otherwise of me, for my affection was rather buried and hid within me, waiting until God should direct her to know herself, than utterly alienate and abstracted from her. Which he seemed to accept in very good part, saying, Earl of Murray, thou knowest of me that thing whereunto I will make none in England nor Scotland privy, and thou hast Norfolk's life in thy hands. So departing, I came to my lodging, &c.—Thus have I plainly declared how I have been dealt withal for this marriage, and how just necessity moved me not to repugn directly that which the duke appeared so bent unto. And for my threatnings to assent to the same, I have expressed the manner. The persons that laid the terror before me, were of mine own company, and the duke since hath spoken, that it was his writing which saved my life at that time. In conclusion, I pray you persuade her majesty, that she let no speeches, nor any other thing passed and objected to my prejudice, move her majesty to alter her favour towards me, or any ways to doubt of my assured constancy towards her highness: for in any thing that may tend to her honour and surety, I will, while I live, bestow myself, and all that will do for me, notwithstanding any hazard or danger; as proof shall declare, when her majesty finds time to employ me."

Serj. Thus appeareth it. That the duke of Norfolk first travelled with Ledington for stay and compounding the matter, and afterward likewise with the bishop of Ross, and at both times first moved it of himself: so now the earl of Murray also by his Letters doth testify, that in conference with him, it came first of the duke to move the stay of the contention, and to what end the duke did it, namely, for that he aspired to the marriage of the Scotish queen, and therein made account of her respect to the crown of England; and that without the queen's majesty's assent or knowledge. Now shall you also see, for further proof thereof, the bishop of Ross's letter to the Scotish queen: For the bishop of Ross went from York to Bolton, as you have before heard in his examination. On the way, before he came to Bolton to the Scotish queen, from his lodging he wrote a letter to her, which letter was lost by his servant; but as good hap was, he reserved a copy thereof, and negligently left it behind him in his lodging at Newcastle, where the earl of Murray half a year after being lodged in the same chamber, found it, and sent it to the queen's majesty's council; and here it is all written

with the bishop's own hand, as himself, being examined thereof, hath confessed. Here he setteth out the conference between the duke of Norfolk and Ledington, and himself. He sheweth the duke of Norfolk's advice to the Scotish queen, for a letter by her to be written to the queen's majesty; and also he openeth the duke's advice, how to work for the Scotish queen, with disclosing the queen's majesty's secrets.

Here was the said Letter produced, and read as followeth:

Copy of the Letter *sent from York by the Bishop of Ross to the Queen Mother, to the Queen our Sovereign Lady, then remaining at Bolton.*

"Please your majesty, I conferred at great length with A. *(c)* one great part of the night; who assured me he had reasoned with B. *(d)* this Saturday, as yesterday on the fields who C. *(e)* determined to him, that it was D.'s *(f)* determinate purpose not to end your cause at this time, but to hold the same in suspense: and did what was in her power to cause us: E. *(g)* pursued extremely, to the effect F. *(h)* and his adherents might utter all that they could to your dishonour; to the effect, as was supposed, to cause you come in disdain with the whole subjects of this realm, that you may be the more unable to attempt any thing to her disadvantage; and to this effect is all her intention. And when they have produced all they can against you, the queen will not appoint the matter instantly, but transport you up in the country, and reserve you there till she think time to shew you favour; which is not able to be hastily, because of your uncles in France, and the fear she hath of yourself to be her unfriend. And therefore their counsel is, that you write a writing to the queen, meaning that you are informed concerning your subjects, which have offended you, this in effect: That your majesty hearing the estate of your affairs, as they proceed in York, was informed that her majesty was informed of you, that you could not godly remit your subjects in such sort, as they might credit you hereafter: which was one great cause of the stay of this controversy to be ended. And therefore persuading her grace effectuously not to trust any who made such narration; but like as you had rendered you in her hands, as most tender you of any living, so prayed her grace to take no opinion of you; but you would use her counsel in all your affairs, and would prefer her friendship to all others, as well uncles as others, and assure her to keep that thing you would promise to your subjects by her advice. And if her grace discredit you, you would be glad to satisfy her in that point, to be removed within her realm in secret and quiet manner, where her grace pleased, unto the time her grace were fully satisfied, and all occasion of discredit removed from her; so that in the mean time your realm were holden in quietness, and your true subjects restored and maintained in your own estate, and such other things tending to this effect. And affirms, that they believe that this may be occasion to cause her credit you better, that you offer safer, and may come, that within two or three months she may become better minded toward your grace; for now while she is not well minded, and will not shew you any pleasure, for the causes aforesaid."

Duke. Here be many things and many parts very hard for me to remember; and here be produced three witnesses against me, Ledington, the bishop of Ross, and the earl of Murray. Hereunto I will answer as my memory will serve me: Ledington, because he and I were acquainted at Leith, came to me and practised to search at my hands, and to feel how the queen's majesty was satisfied. I told him, that 'till I heard what the queen's majesty would resolve, I could tell him nothing: and so time spent away. And in the mean season, upon a Saturday, I being at dinner with the lord of Sussex, Ledington came in; and after dinner talking with me, he brake more earnestly for me with the Scotish queen, and for a Marriage between her and me, which I utterly refused, as by my letters from York to the queen's majesty it may appear; wherein I signified my opinion of the Scotish queen, or else she must be maintained by the queen of England. I said to him again, that the queen's majesty sought the quietness of that realm; but for any advice of restoring the Scotish queen into her country, I could not see how it might be considered: and so I advised him to submit the whole matter to the queen's majesty's judgment. Otherwise he and I never talked. Of those other doings, between Ledington and the Scotish queen, I know nothing. The bishop of Ross shortly after said to me, and intreated to have my help for compounding of the matter, as you know well he can speak fair. I told him I could do nothing without my fellows, and only in such manner as was prescribed by our commission. I told him also, that we were but to hear and certify; and for the matter of compounding, they were best to make offers themselves; for we were but to receive such devices as they should chuse, and to give advertisement of the same. To what end should I need to utter the matters of the earl of Murray's part to the other side, when Ledington himself was present, and privy to all? I spake not with the bishop of Ross, but at that time only. And as for that advice, to avoid the discovering of those rigorous matters by the earl, and the publishing thereof to the queen's majesty, to the Scotish queen's infamy; I never disclosed any such secrets, nor gave any such advice: only I did advise the bishop of Ross, that he and that side

(c) Ledington.
(d) The duke of Norfolk.
(e) The day he rode to Cawood.
(f) The queen's majesty.
(g) The English queen's Commissioners.
(h) The lord regent of Scotland.

should hold themselves contented with the queen's majesty's dealing, and with the determination taken at Hampton-court, which was such as might content them, and such as my lord Burleigh then misliked. As for the earl of Murray, he began with me, and not I with him: he came to me at Cawood, and prayed me to tell him what end would come of the matter. I said, I knew not; for it must come from the queen's majesty: we knew not of the differing of the commission at that time, nor till such time as Mr. Sadler was sent for. How could I tell him, and knew it not myself? I never yielded to the Marriage between the Scotish queen and me: I cannot gather such matter of looks alone, I never dealt more therein, but only that Ledington broke it. Have I not answered all these matters? If I have not, put me in any thing I have omitted, and I will answer it.

Serj. Your answer is but only denial; Ledington and the rest write otherwise, that you made the first motion to them: and therefore Ledington, by practice between you and him, sent the earl of Murray to you, under pretence of searching to learn the state of their own cause, to be moved by you for the marriage; upon your answer, it is but yea and nay between you. If you meant directly, then needed you not to have dealt so secretly in conference with Ledington, without the rest of the Commissioners; and besides Ledington's conference with you, both the bishop of Ross and the earl Murray affirm your practising with them to the same intent: which is sufficient proof against your own bare denial.

Duke. The earl Murray sought my life, the other are not of credit; yet all these prove not that I dealt in the matter of the marriage with the Scotish queen, in any respect of her claim to the crown of England. If the bishop of Ross, or any other, can say otherwise, let them be brought before me face to face. I have often so desired it, but I could not obtain it.

Serj. The bishop of Ross confesseth it; this is his own hand; and here you shall have, by witnesses, proved the duke's assent to the marriage with the Scotish queen: and to practise the furtherance thereof, you shall see how that afterwards he was privy to a device, that the earl Murray should have been murdered at Northallerton, in his way homeward, by the Nortons, Markenfield, and other rebels: and afterwards, being satisfied at the earl Murray's hands, a Letter was written to stay that device: containing also a device of compounding the matter, and how the earl Murray had assented to the marriage.

Here was contained the bishop of Ross's Confession, in Article the ninth: wherein appeareth, 'That the earl Murray should have been murdered by the way, going home into Scotland: and that the bishop of Ross wrote to the Scotish queen that the duke of Norfolk advised her to stay that murder, because the earl Murray had yielded his good will to the marriage as followeth:

Out of the Bishop of Ross's Examination, taken the 6th Nov. 1571.

"To the 9th he saith, That the earl of Murray was in fear to have been murdered by the way, in his return to Scotland; whereupon this Examinate by the duke's advice, did write to the queen of Scots, that the attempt might be stayed, for that Murray had yielded to the duke to be favourable; and the murder should have been executed about Northallerton, by the Nortons, Markenfield, and others, as this Examinate was advertised by the Scotish queen's servants that came from Bolton."

Serj. Thus it appeareth, that the duke so far assented to the marriage, that rather than it should not have taken effect, he was contented that the earl of Murray should have been murdered.

Duke. The unkindness between the earl Murray and me, was not about this matter of his mistress the Scotish queen, but for another cause: it was because the earl Murray had reported that I sought the marriage of the Scotish queen. I charged him therewith by message, he excused himself thereof, and laid it upon the earl Moreton and the bishop of Orkney; and for the device of murdering him, I was never privy to it. And where the Article saith, that I heard it by the Scotish queen's servants that came from Bolton, it is not true. I never heard of it till Whitsuntide after, when John Wood came, and then I heard it not but by the bishop of Ross; neither did I hear that it should have been done by the Nortons, but by my brother of Westmoreland being an hunting, when the earl Murray espying a great company on the hill-side, imagined that he should have been slain.

Serj. You shall also understand, that the duke himself wrote to the earl of Murray, wherein is plainly declared his practise and assent to the Marriage: which very Letter we have not, but the copy thereof, under the regent's own hand, which the regent sent to the queen's majesty, whereby the matter most plainly appeareth.

"My good Lord; I have received your courteous letter, whereby I do not only perceive you well affected for the advancement of your common weal, and the uniting of this island, but also your good mind towards me: which two points I cannot but note to your special commendation, and my great comfort. As you shall prove me industrious to assist you with all my power in the one, so shall you not find me ungrateful in the other, but really to requite you to my uttermost for your friendship so frankly offered; the rather I shall have occasion to employ myself for the just reward of your deserts, the sooner I shall think myself in nature, friendship, and conscience discharged of my obligation. In the mean time, good my lord, assure yourself, that you have not only purchased a faithful friend, but also a natural brother, who is not, nor will not be less careful for your weal and surety, than his own honour

and credit: whereof I am fully persuaded you doubt not: and therefore in that point I need not to be over-tedious, but briefly to return to that you desire to be satisfied of, which is, for my marriage with all sincerity with your sister; wherein I must deal plainly with your lordship, as my only friend, that I have so far proceeded herein, as I, with conscience, can neither revoke that that I have done, nor never do mean, while I do live, to go back from this that is done, nor with honour proceed further, until such time as you there shall remove such stumbling-blocks, as be impeachment to our more apparent proceeding: which when by me it shall be finished, upon mine honour the rest shall follow to your contentment and comfort. Wherefore my earnest request, at this present to my good lord, is, that you will proceed herein with such expedition, as the enemies of this good purpose, which will be no small number, against the uniting of this land into one kingdom in time coming, and the maintenance of God's true religion, may not have opportunity, through the delay given them, to hinder our intended determination; against the which I am of opinion, there will be no practices by foreign princes omitted. This I hope will be sufficient to resolve you, my lord, of your desire touching the marriage; referring myself wholly, for your more ample instruction and satisfaction in all points, to my lord Boid, who hath commission both by the queen of Scotland, your sister, and also by me, to resolve you of all doubts, whom I wish you to credit as myself. You shall not want the furtherance in this enterprize of the most part of the noblemen of this realm; whose faithful friendship in this case, and all other my actions, I have to my contentment sufficiently proved. Thus being persuaded that your lordship's endeavour is for the maintenance of God's glory, and the advancement of the common weal of this island, I have adventured to impart my secret determination, as to one whom I make account to be assured of, and unto whom I wish long life and prosperous health, to his hearts desire. So with my hearty commendations at this present, without further molestation, I am, my good lord, your faithful and most assured friend."—From my house in London, July 1.

"I have heard you have been in the North of Scotland, and doubt not but you have satisfied the request I made for the bishop of Ross, and have caused his servants to be obeyed of his benefices; and what is left undone, I pray you cause it to be effectually furthered. He hath the queen of Scots letter, directed to you for that effect; but trusting that my request shall make him to be obeyed, ere the other come to your hands, wherein you shall do me singular pleasure. Norfolk."

Duke. All these are Letters, and answered two years ago, when Mr. Sadler and Mr. Attorney were sent to examine me upon Interrogatories. Indeed I must confess my folly; it is an ill cook that cannot lick his own fingers. The bishop of Ross wrote the Letter, and he licked his own fingers. The earl of Murray wrote to me very humbly, and that he was at my commandment, with such like words. I having no leisure to write answer to him, drew articles to give him thanks: but that the noblemen liked of that marriage, and that I wished no man's friendship more than his in it, the bishop of Ross added of his own, and put it in cipher in this form, which cipher I had not then.

Serj. This is the very Copy of your own Letter.

Duke. See my Answer made in my first troubles, two years past.

Serj. The queen's majesty understanding the duke's intention to marry with the Scotish queen, the duke himself by way of prevention, complained to her majesty of the rumour that was spread against him, that he sought the Scotish queen's marriage, and prayed it might be examined. In which her complaint, as I have heard her majesty herself declare it, and some here of my lords have likewise heard it, he said, among other things, To what end should I seek to marry her, being so wicked a woman, such a notorious adulteress and murderer? I love to sleep upon a safe pillow: I account myself, to your majesty's good favour, as good a prince at home in my Bowling-Alley at Norwich, as she is, though she were in the middle of her kingdom. The Revenues of the crown of Scotland, all the ordinary Charges deducted, about the necessary affairs of the realm, are not comparable to mine own that I enjoy by your goodness, as I have heard of the chief officers of that realm; considering also that her kingdom is not in her hand, but possessed by another; if I should seek to match with her, knowing, as I do know, that she pretendeth a title to the present possession of your crown, your majesty might justly charge me with seeking your own crown from your head. This the duke spake to the queen's majesty, in his excuse, when the fame went of his Marriage with the Scotish queen, when yet, beside that time, he had dealt earnestly in it.

Duke. I may not nor will not stand against her majesty's Testimony, I must give place unto it; but hereof I was examined two years ago, and then I declared, as I now do, that at that time I intended not the Marriage. And true it is, that I have at sundry times, some at one time, and some at another, used some of those kind of speeches; but at that time I dealt not with that Marriage, nor minded it.

Serj. Your own Confession is otherwise: for yourself have since confessed, that you concealed from the queen your conferences with Ledington and Ross about the marriage, both the conferences had at York and at Hampton-Court.

Duke. I never consented to the Marriage at those times of their conferences, and so I might well use their speeches.

Then was produced his own Examination the 6th Nov. 1571, and it was read, and he con-

fessed his concealment of those Speeches and Conferences before used about the Marriage, and that it had indeed been moved, but not concluded on: he remembereth that the queen charged him straightly not to proceed in that Marriage; but he remembereth not that she charged him upon his allegiance.

The Duke of Norfolk, the 6th of Nov. 1571.

To the first and second, he saith, That he remembereth that at Hampton-Court upon a report made by Robert Melvin, so declared by Woolcock, that this examinant had gone about a matter of Marriage with the Scotish queen for himself, wherein he took himself to be much wronged, and desired to have the matter examined; for that he had not dealt in that matter, and doth not remember what the queen's majesty said unto him at that time: at which time he said for himself, That he intended no such thing, nor meant any such thing; and yet he confesseth, That he did not declare to the queen's majesty, at that time, of any speech that had been used unto him by Ledington at York, and the earl of Murray at Hampton-Court, touching the said Marriage. Being at Titchfield, the queen's majesty called him to her Gallery, asking of him, Whether he had dealt any wise for the Marriage of the queen of Scots, as it was reported? Whereunto he answered, He thought her majesty had heard by others. But she willed him to declare the truth, because she had rather hear it of himself: and so he declared, That he had received Letters from her; that the matter had been moved and written unto her; but he had not made any conclusion in that matter with her. Whereupon her majesty shewing herself to mislike thereof, commanded and charged him that he should not deal any further therein with the queen of Scots, nor any other person in that matter: but that he was charged upon his allegiance, he doth not certainly remember; but that he was straitly commanded, he doth well remember.

At length he confessed, that he was charged upon his Allegiance.

Serj. At Titchfield the queen's majesty expressly commanded the duke of Norfolk upon his allegiance, as himself hath now confessed, not to proceed in that Marriage with the Scotish queen: Now, if we prove that this commandment notwithstanding, and against his own promise, he afterward still proceeded, and that much more earnestly than before; and yet nevertheless, that he had all the while conceived an evil opinion against the Scotish queen, and upon the sight of her Letters, and other Evidences, shewed he thought her plainly guilty of abominable whoredom, of the murder of her husband, and signified it by letters, and declared the same his opinion to Bannister: And also, That he made no account of her kingdom of Scotland, which she had not in possession; or if she would have it, yet he counted it not comparable to his own dukedom. He (I say) so doing, and so conceiving and so declaring, and yet still more and more prosecuting the Marriage, cannot be said to have prosecuted it, in respect of her person, but of some other thing (forsooth the crown of England) which he hoped to attain under her pretended title. You never saw her, you could not then be carried with love of her person; you conceived ill opinion of her, so could you not be led with love of her conditions; the fame of her good qualities and virtuous conditions you never heard much of, except it were by herself, or the bishop of Ross, or some of her ministers; her kingdom of Scotland you esteemed not, both because she had it not in possession, but it was in possession of her son, by her own dimise ratified by parliament, and for that it was not of so good value as your own possessions were. To what end then pursued you the Marriage? To no other end surely, but to advance and maintain the false and pretended title to the present possession of the crown of England, and for the attaining thereof, to practise the deprivation, death and destruction of the queen's majesty. If further, we shall plainly prove that after your departing from the court, you meant not only to prosecute the Marriage, but also to prosecute it with force, against the queen in her own realm; then it must needs be with intent of her majesty's deprivation and destruction, and so High-Treason, within compass of the statute of 25 of Edward the 3rd. For whoso shall take upon him to prosecute and maintain a Title to the Crown by force against the queen, and within her own realm, must needs make account that the queen must and will resist that force: if then that force may overcome the prince's force, what is the likelihood then to ensue? There must needs follow deprivation of the queen, and thereupon her Death and Destruction: for the jealousy of an Usurper by force, can in no wise suffer a rightful prince to live. Now to prove your intention to pursue the Marriage with force against the queen: In your Journey towards London, you entered into conference and device between another and you for taking the Tower of London, with all the queen's Ordnance, Ammunition and Treasure therein, and to have kept the Tower by force against the queen, and so to have brought the Marriage to pass by force, whether the queen would or no. But it took not effect; for the queen's majesty having understanding thereof before provided, for enforcing the place with new supply; and Mr. Pelham, lieutenant of the ordnance was, for that purpose, put in with sufficient power. Afterward being at your own house, the Charter-House, the queen's majesty understanding of these attempts, sent for you; whereunto you make a feigned excuse of doubt of sickness, and that you had taken physick, so that for four or five days you could not journey: promising after those four or five days, to wait on her majesty, according to your duty. And immediately after this excuse sent, without tarrying four or five days, or any more days, the same night, you by and by stole away into Norfolk, and there intended to have levied

force: but that the queen's majesty and her council suspecting your purpose, had secretly sent into those parts before, and taken order for impeaching of your intention. If this then be proved true, That you still prosecuted the Marriage, without liking of her person, without estimation of her possessions, with only respect to her false title to the crown of England, and with force; and sithence it cannot be pursued with force against the queen, nor force levied against her majesty, without purpose to suppress her majesty's force, and to depose her from her crown and dignity; and he that so seeketh to depose her must needs be thought that he will not suffer her to live; all these matters considered, the seeking of this Marriage in this form must needs be High-Treason, within compass of the Statute of 25 of Edw. 3rd.

Here was produced the Duke's own Letter, and the other commissioners, from York to the queen's majesty; wherein is signified the great abomination of the Scotish queen, appearing in her own Letters and the certainty of the truth of those Letters, both by offer of oath of those that exhibited them, and by discourses of some matters there: which could not be written but by herself, being known to none other. The Commissioners Letter is as followeth:

"Afterwards they shewed unto us an horrible and long letter of her own hand (as they say) containing foul matter, and abominable to be either thought of, or to be written by a princess, with divers fond Ballads of her own hand; which Letters, Ballads, and other Writings before specified, were closed in a little coffer of silver and gilt, heretofore given to her by Bothwell. The said Letters and Ballads did discover such inordinate and filthy love, between her and Bothwell, her loathsomness and abhorring of her husband that was murdered, and the conspiracy of his death, in such sort as every good and godly man cannot but detest and abhor the same. And those men here do constantly affirm the said Letters and other Writings, which they produce of her own hand, to be her own hand indeed, and do offer to swear and to take their oath thereupon; as indeed the matter contained in them being such as could hardly be invented or devised by any other than by herself; for that the discourse of some things, which were unknown to any other than to herself and Bothwell, doth the rather persuade us to believe that they be indeed of her own hand-writing. And as it is hard to counterfeit so many and so long Letters; so the matters of them, and the manner how these men came by them is such, as it seemeth that God, in whose sight the murder and blood of the innocent is abominable, would not permit the same to be hid or concealed. In a Paper herein inclosed, we have noted to your majesty the chief and principal points of their Letters, written (as they say) with her own hand, to the intent it may please your majesty to consider of them, and so to judge whether the same be sufficient to convince her of the detestable crime of the Murder of her husband; which in our opinion and consciences, if the said Letters be written with her own hand, as we believe they be, is very hard to be avoided."

Duke. This maketh for me; for this proveth that I so much misliking her, and signifying by my Letter so much against her; dealt not on that side when I was at York, where this letter was written.

Serj. There were others joined with you in the letter, so that you could not otherwise write, however you otherwise dealt: but this maketh much against you, for it proved you had an evil opinion of her, and so could not seek the Marriage in respect of her person, but only in respect of her false title; and that not to the kingdom of Scotland, which she had not, and which you despised, but to the crown of England. Now you shall, to the same end, hear your own Report against her to Bannister.

Duke. Bannister was shrewdly cramped when he told that tale. I beseech you let me have him brought face to face.

Serj. No more than you were.

Then was read Bannister's Confession, in Oct., 12th Eliz.

This sheweth that you had an evil opinion of her, and so no affection to the person; therefore your seeking of that Marriage was for another respect; and therefore Ledington, Ross, and you practised the matter at York.

Duke. They broke it to me. What is this to me? Did I consent?

Serj. You consented.

Duke. No.

Serj. They say plainly, that you practised to withdraw the things that might charge her.

Wilbraham. You have said, that the bishop of Ross hath accused you of malice; but you answer nothing to that which the bishop of Ross wrote to his mistress, the Scotish queen, in secrecy, wherein could be no malice.

Duke. Ledington broke it to me, and the earl Murray broke it to me. I pray you, let them be brought face to face to me: I have often required it, and the law I trust is so.

Serj. The law was so for a time, in some cases of Treason: but, since, the law hath been found too hard and dangerous for the prince, and it hath been repealed. You intended to have proceeded with the Marriage by force; and for proof thereof, you have heard of the device for taking of the Tower. Now to prove further your purpose to pursue your enterprize by force, let be read the confession of the bishop of Ross to the second article.

The Bishop of Ross's Confession the 3rd Nov. 1571.

To the second Article. The duke being after conferred with by the bishop of Ross, from his mistress, to know what he would do in the matter of the marriage, if the queen would not assent, said, he knew she would, though not at the first; because most of the council and no-

blemen thought it meet; and that he had known the minds of most of the noblemen. And after, when the queen was offended with him coming from Southampton, he told the bishop he would depart into his own country, and so was resolved, by the earls of Arundel and Pembroke, who would do the like; and there would take purpose, by the advice of his countrymen and friends, and do that was likeliest for the advancement of the cause. The bishop said, the queen's majesty would by force fetch him out of his country. He answered; That no nobleman in England would accept that charge at her commandment; for he knew their minds, specially for those in the North, who would assist. And if that he might once have that open quarrel against her, that she would first pursue him, he would have friends enough to assist him, and that the Scotish queen should be safely enough provided for; for that was the principal mark he shot at, and would do what he could to have her in his hands. And the earls of Arundel and Pembroke had promised to do as he did; and they in the North had promised the like. Item, Liggons told the Bishop, that the duke was resolved to go through with the matter by force, if the queen would not assent to it. At this time common messages past between the Scotish queen and the duke, and them of the North.

Duke. All is false, saving that the bishop of Ross once spake with me; and then understanding him to be a suspected man, I desired him to forbear to come to me; nevertheless, by his great earnestness and importunity, that I would but once admit him to come to me, at length he came, and then he moved me for certain money of the Scotish queen's, about 2000*l.* remaining in my keeping: one letter he brought me, and no more letters, until after my first trouble. As for my going into Norfolk, I can bring good witness, that I meant not to go into Norfolk, four hours before I went, and that I spake not with him in two days before. It is of good ground that I have prayed to have the bishop of Ross brought to me in private Examination face to face, whereby I might have put him in remembrance of truth; but I have not had him face to face, nor have been suffered to bring forth Witnesses, Proofs, and Arguments, as might have made for my purgation. As for sending of Letters to my lord of Northumberland, or my brother of Westmoreland, all is false; I never received letters from them in all my time. If ever I sent to them, or received from them any letters in three quarters of a year before, let me never be credited.

Serj. You shall have Proofs that the bishop of Ross hath said it. You stand much upon your own credit: now therefore to your credit, I will say somewhat against your oath specially taken, when you were appointed commission for the matter at York; and against your oath of a counsellor to the queen, you dealt indirectly and partially; you deceived the queen's trust, and disclosed her secrets.

Duke. I deny it.

Serj. It is well proved that at Hampton-Court, being examined of the matter by the queen, you dissembled it: being examined of Money lent by you to the Scotish queen, you denied it: being charged upon your Allegiance, you promised not to proceed further in the matter. Notwithstanding that express commandment of her majesty; yet, against your duty, against your promise and faith, you still proceeded.

Duke. I confess this was mine error; but I have already made humble Petition to my peers, not to confound my faults together, nor to mingle my inferior offences with this great Cause.

Serj. Sithence the commandment given to you at Titchfield, not to proceed in dealing with the Scotish queen in any wise, you have continually dealt with her: you have lent her money; you have maintained Liggons, your man and your solicitor, continually to advertise you, from the bishop of Glasgow, and the Pope's Nuncio; and you have advertised him from hence. He hath had money of you, and you have received letters from him four times in coffers.

Duke. Liggons is not my solicitor.

Serj. He is your solicitor, and so yourself have expounded him; for where the Scotish queen, in her Letters speaketh of your solicitor, being asked whom she meant thereby, you have answered, Liggons.

Duke. At the first indeed she so called him; but Solicitor is no name of use. He hath not been so since my first Trouble; and so for her calling, it is no matter, she once called me Legista.

Serj. He is your solicitor; for she so taketh him, and yourself do so expound it.

Then was read his own Confession, of Money lent 2000*l.* and received, &c. The duke confessed this receiving and lending of Money. Then was read the bishop of Ross's Confession, concerning Money sent by Barthwick, and of money delivered to Francis Bishop.

Duke. This I deny not.

Serj. Francis Bishop was a Traitor.

Duke. I knew him not.

Serj. Now for the matter of taking the Tower.

Duke. I deny it.

Serj. Was it not mentioned unto you in the way, when you came from Titchfield, by one that came to you, and moved you a device between you and another, for taking the Tower?

Duke. I have confessed that such a motion was made to me, but I never assented to it.

Serj. You concealed it: and to what end should you have taken the Tower, but to have kept it against the queen by force? But you say you liked not the motion, you asked advice of it.

Duke. Indeed I told one of it: Owen met me by the way from Titchfield, and told me how we were all in danger, and said, That

force: but that the queen's majesty and her council suspecting your purpose, had secretly sent into those parts before, and taken order for impeaching of your intention. If this then be proved true, That you still prosecuted the Marriage, without liking of her person, without estimation of her possessions, with only respect to her false title to the crown of England, and with force; and sithence it cannot be pursued with force against the queen, nor force levied against her majesty, without purpose to suppress her majesty's force, and to depose her from her crown and dignity; and he that so seeketh to depose her must needs be thought that he will not suffer her to live; all these matters considered, the seeking of this Marriage in this form must needs be High-Treason, within compass of the Statute of 25 of Edw. 3rd.

Here was produced the Duke's own Letter, and the other commissioners, from York to the queen's majesty; wherein is signified the great abomination of the Scotish queen, appearing in her own Letters and the certainty of the truth of those Letters, both by offer of oath of those that exhibited them, and by discourses of some matters there: which could not be written but by herself, being known to none other. The Commissioners Letter is as followeth:

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Serj. There were others joined with you in the letter, so that you could not otherwise write, however you otherwise dealt: but this maketh much against you, for it proved you had an evil opinion of her, and so could not seek the Marriage in respect of her person, but only in respect of her false title; and that not to the kingdom of Scotland, which she had not, and which you despised, but to the crown of England. Now you shall, to the same end, hear your own Report against her to Bannister.

Duke. Bannister was shrewdly cramped when he told that tale. I beseech you let me have him brought face to face.

Serj. No more than you were.

Then was read Bannister's Confession, in Oct., 12th Eliz.

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Serj. You consented.

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Wilbraham. You have said, that the bishop of Ross hath accused you of malice; but you answer nothing to that which the bishop of Ross wrote to his mistress, the Scotish queen, in secrecy, wherein could be no malice.

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Serj. The law was so for a time, in some cases of Treason: but, since, the law hath been found too hard and dangerous for the prince, and it hath been repealed. You intended to have proceeded with the Marriage by force; and for proof thereof, you have heard of the device for taking of the Tower. Now to prove further your purpose to pursue your enterprize by force, let be read the confession of the bishop of Ross to the second article.

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blemen thought it meet; and that he had known the minds of most of the noblemen. And after, when the queen was offended with him coming from Southampton, he told the bishop he would depart into his own country, and so was resolved, by the earls of Arundel and Pembroke, who would do the like; and there would take purpose, by the advice of his countrymen and friends, and do that was likeliest for the advancement of the cause. The bishop said, the queen's majesty would by force fetch him out of his country. He answered; That no nobleman in England would accept that charge at her commandment; for he knew their minds, specially for those in the North, who would assist. And if that he might once have that open quarrel against her, that she would first pursue him, he would have friends enough to assist him, and that the Scotish queen should be safely enough provided for; for that was the principal mark he shot at, and would do what he could to have her in his hands. And the earls of Arundel and Pembroke had promised to do as he did; and they in the North had promised the like. Item, Liggons told the Bishop, that the duke was resolved to go through with the matter by force, if the queen would not assent to it. At this time common messages past between the Scotish queen and the duke, and them of the North.

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Duke. I confess this was mine error; but I have already made humble Petition to my peers, not to confound my faults together, nor to mingle my inferior offences with this great Cause.

Serj. Sithence the commandment given to you at Titchfield, not to proceed in dealing with the Scotish queen in any wise, you have continually dealt with her: you have lent her money; you have maintained Liggons, your man and your solicitor, continually to advertise you, from the bishop of Glasgow, and the Pope's Nuncio; and you have advertised him from hence. He hath had money of you, and you have received letters from him four times in coffers.

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Serj. He is your solicitor, and so yourself have expounded him; for where the Scotish queen, in her Letters speaketh of your solicitor, being asked whom she meant thereby, you have answered, Liggons.

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Serj. Now for the matter of taking the Tower.

Duke. I deny it.

Serj. Was it not mentioned unto you in the way, when you came from Titchfield, by one that came to you, and moved you a device between you and another, for taking the Tower?

Duke. I have confessed that such a motion was made to me, but I never assented to it.

Serj. You concealed it: and to what end should you have taken the Tower, but to have kept it against the queen by force? But you say you liked not the motion, you asked advice of it.

Duke. Indeed I told one of it: Owen met me by the way from Titchfield, and told me how we were all in danger, and said, That

some of our friends thought it was best to take the Tower. I refused to do it, and said, Take the Tower! That were a proper device indeed! And thence I went to my lord of Pembroke's, and there dined; and then I told my lord of Pembroke of that device; whereunto he answered, We are well, and safe enough: let them that be faulty take the Tower, if they will. And to what end should I have taken the Tower?

Serj. To maintain by force that which you had practised against the queen's majesty's commandment, which was the Marriage with the Scotish queen.

Duke. I had not then dealt with it.

Serj. It is well proved that you had; and afterward, at your house at Charter-House, you received letters, messages, and tokens from the Scotish queen; you received from her a brooch, with a hand cutting down a vine; and this poesy upon it, *Virescit vulnere Virtus.* But, my lord, do green vines grow when they be cut? And a green vine it was.

Wilbraham. My lord, you still say you deal not at this time, or that time, against her majesty's commandment? I pray you at what time, since her majesty's commandment upon your allegiance, did you forbear to deal with the Scotish queen?

Serj. Beside this you have given advice as a counsellor to the Scotish queen, against the queen's majesty: namely, when in Treaty between the queen's majesty and her, there were three Articles propounded on the queen's majesty's part; the one for the delivery of her son into the queen's majesty's custody; the other for delivering the English rebels that were fled into Scotland; the third for delivering of certain holds in Scotland into English men's possession: he gave advice herein as a counsellor, against the queen his sovereign lady. The Articles were expressly sent to the duke to have his advice, before that the Scotish queen would resolve of any Answer; and she respited her Answer to be made according to his direction. He gave advice, that she should in no wise deliver her son, for it was against her own safety, not knowing whether she delivered him into her friends hands or no. As for the Rebels, she should in no wise deliver them, for it were against her honour: and as for the holds, she should not deliver any; for it were against the safety of her friends in Scotland.

Duke. For advising not to deliver the Rebels, I deny that ever I gave any such Advice. As for Delivery of her son, I advised her no otherwise but thus, that I wished her to bestow him there, where she might have sure friends.

Serj. Thus, contrary to your oath, allegiance, and fidelity, and against the credit that you would fain be thought of, you became, by your own confession, a counsellor to a foreign prince against your own sovereign lady.

Burleigh. My lord, did you ever desire to have any Proofs or Witnesses produced for your part, to prove any thing that might make for you? And were you denied?

Duke. I have divers times prayed, that if any thing were denied to be true which I said, I might be driven to my proof of it.

Burleigh. I ask it, because I have not heard it reported to her majesty that you made any such request, to have any special Witnesses examined or Proofs heard, on your part.

Here was produced and read the Confession of Hickford, to the 3rd Article.

Duke. I advised her, touching her son, that she should first be well assured that he should be bestowed among her friends. For her castles, I advised her, that she should in any wise take heed, that they might not after come into the hands of her enemies; for so if she delivered Edinburgh-Castle, she should not be safe in Holyrood-House.

Serj. How standeth this with the duty and oath of a counsellor, to give Advice to a foreign prince against the queen's majesty?

Duke. I excuse it not, herein I confess my error; I beseech you call not these my inferior faults, which I have confessed, among the greater wherewith I am charged.

Serj. Thus appeareth how he hath given Advice against the queen to the Scotish queen. Now it shall be further proved unto you, that where the Scotish queen is here in custody as the queen's prisoner, he hath also been privy to devices for conveying her away.

Here was produced the Confession of Barker. Oct. 5, 1571. Article 13.

Duke. This is not true, saving that indeed advice was broken to me of conveying her way at a window, at a gallery's-end, in one of my lord of Shrewsbury's houses, of the which window the bishop of Ross had taken a measure; but this device was overthrown at such time as it was told me. As for that which Barker hath here confessed, it is utterly false.

Serj. Now shall you hear the duke's own Confession.

Here was read the Duke's Examination, 13 Octobris.

Serj. Besides this, the duke being in prison in the Tower, made a Submission to the queen's majesty, confessed his error in dealing with the Scotish queen, and promised, upon his faith and allegiance, never to deal with that Marriage, or with any other matter touching the Scotish queen.

Duke. I confess I did so.

Serj. Before his subscribing his said Submission, he first made the Scotish queen privy to it, and sent her a double of it.

Duke. I sent it to the bishop of Ross.

Serj. All is one.

Duke. I confess it.

Serj. What should move my lord of Norfolk now so earnestly still to pursue this Marriage? You see he liked not the person, she was not of good fame, he so signified to the queen, he so reported to Bannister. The kingdom of Scotland he esteemed not, and also

it was out of her possession, in the hands of the king her son, by her own dismission ratified by parliament. Forsooth he had an old blind Prophecy lying by him: *In exaltatione Lunæ Leo succumbet, & Leo cum Leone conjungetur, & catuli eorum regnabunt;* which belike is thus to be expounded, At the exaltation of the Moon (which was the rising of the earl of Northumberland that giveth the moon) the Lion (which is the queen's majesty) shall be overthrown; then shall the Lion be joined with a Lion (which is the duke of Norfolk with the Scotish queen, for they both bear lions in their arms) and their Whelps shall reign (that is, their posterity shall have the kingdom).

Duke. I do not remember any such Prophecy.

Serj. It was in your own keeping.

Duke. What should I do with it?

Serj. Such blind Prophecies have oft deceived noblemen.

Duke. This is nothing to the purpose; I kept it not to any such end.

Serj. You uttered it to your servant Hickford.

Here was produced and read Hickford's Testimony.

Duke. A toy! You see I call it a foolish Prophecy.

Serj. Where had you it?

Duke. I remember it not.

Serj. Hitherto have you heard the Evidence to prove the duke's imagination, compassing, and conspiracy, to deprive the queen's majesty of the crown and her royal estate, and so to bring her highness to death and destruction. For proving this his intent, you have heard those matters proved, his practice to join himself in Marriage with the Scotish queen whom he then well knew falsely to claim and pretend title to the present possession of the crown of England: also his prosecuting the same Marriage without the queen's majesty's knowledge, against her highness's express commandment upon his allegiance, against his faith, promise, and submission; yea, to pursue that with force, and to use the advice and strength of his friends to maintain the same force against the queen; his hearkening to blind prophecies, money by him lent to the Scotish queen, and against the queen his sovereign lady. If then his purpose so were to pursue it with force, it must needs follow, that the same must be of intent, imagination, and compassing, to deprive and depose the queen's majesty from her crown, royal estate, and dignity, and to advance and maintain that false and usurped title of the Scotish queen unto the present possession of the crown of England, and so consequently, for maintenance of his imagination and purpose, to compass the queen's majesty's death and destruction. Now shall you further hear Proof of his own words, declaring the same intent to pursue the Marriage by force, and rather to lose his life than to give it over.

Cavendish's *Deposition.*

That at his several Journies unto the places of the queen of Scots abode, the duke procured him to labour the cause of his Marriage with her with all diligence. Item, That her majesty being at Southampton, Richard Candish, a certain night walking in his chamber, and persuading him by all means to labour for the queen's favour concerning that Marriage; the duke affirmed, that before he lost that Marriage he would lose his life; and said moreover, that if ever he handled thing wisely or cunningly, I would say it was the matter of that Marriage, if I knew it from the beginning. Item, That the Monday at night, after the duke's departure from Southampton, Rd. Candish being at Hayward-House with him, in the company of the lord Lumley, the duke and the said lord Lumley, talking secretly together, suddenly the duke brake out into this Speech: 'Candish,' quoth he, 'is able to accuse me of no disloyal practices.' Whereat the lord Lumley, as it were wondering, 'Can he not indeed,' quoth he? 'No indeed,' quoth the duke; and turning to Candish, said, 'Candish, I in this case defy thee, say thy worst.' To which Candish answered, 'Besides the practice of this Marriage, I truly can accuse you of none.' Item, The duke, at another time, in the said house, asked, Candish, 'If God take away the queen's majesty, whether he could assure him of his brother Candish, and procure his said brother to promise unto him sir Robert Ningfield?' Item, At his last being at Remminghall, among many others talking, he had this speech; 'Candish,' quoth he, 'nothing will undo us but the Rising of the northern lords.' To whom I answered, God forbid that any such thing should be, for it will undo us all; whereat he replying, said, 'I fear they will rise.'

Duke. The Duke looking upon Cavendish with a scornful and smiling countenance, said, You are an honest man! That which he saith of the Talk between him and me at Southampton, is utterly false: At that time you were most earnest on my part, and came to me as for succour, for that as you said your cousin Christmas was fallen out with you. When we rode to my lord of Pembroke's, you came to me and told me, my lord Burleigh findeth me well, I will ride with him and find his humour, and I will face that fellow thoroughly; so from Salisbury you said you would ride to Leicester, and so home with my lord Burleigh, and you doubted not to bring me such word from him as should satisfy me. You told me how my lord of Leicester was firm, and sir Nicholas Throckmorton my sure friend, and that they would both join to deal with the queen for me; and how sir Nicholas sent me word, That he doubted not the queen would take order to my contentation at her next coming to a staid house. Then came you to London, and though I had no great liking of you; yet because you were loth to lie at Arundel's, and were somewhat ill at ease, I let you lie in my house. I never made great account of you; my lord of Leicester made us first acquainted: your brother you

know was not my friend. I then took you as I now find you. While you could hold on, you shewed your Letters that you did write on my behalf; then you came to me and said, you had need, and borrowed money of me; I had none at that time, but I sent it you by Bowes. I was warned by divers of my friends to take heed of you; you dealt with Dier and with Straunge very maliciously. As for the Speech at Remming Hall, that you speak of me, it is untrue; I dealt not with you there about any such matter; I left you at London, I looked not for you; when you came, I was glad to be rid of you; you said you were going to Norwich, and I was glad you were going, and willed you to look at my house at Norwich, and tell me how you liked it: out of the north I heard nothing in six weeks before. You suddenly slipped away from me, and then came I up to London-ward; you are an honest man, indeed! It is all false that he hath said.

Then Cavendish began to report and justify what he had said, and to put the Duke in remembrance, when the duke gave him reproachful words of discredit.

Serj. He is sworn, there needeth no more proving; you sent Havers to the earl of Westmorland.

Then was alledged the Examination of one Haveling touching Havers, whom the duke sent to the earl of Northumberland, with this Message, 'That if the two earls should rise, he were undone.'

Duke. This may be seen of two years old, and by me fully declared and answered.

Then was read the Confession of Havers. Then was alledged a Letter of the Scotish queen's in cypher to the duke, containing, that the lord of Shrewsbury had told her, that the earl of Northumberland was delivered to the earl of Sussex; for which she was very sorrowful three days together, for fear of cumbering of friends if he were taken.

Serj. What friends was she so careful for, that she wrote to the duke, unless she thought it should light upon the duke himself?

Duke. That letter never came to my hands.

Serj. It was found in the bag which you willed to be burned.

Then the said Letter was read.

Duke. All this is nothing to me.

Serj. This proveth in you a practice to the Rebellion: for all her sorrow of the yielding of the earl of Northumberland was, for fear he should bewray and cumber her friends.

Duke. That toucheth not me; for I am sure the earl of Northumberland hath been sought for me, and yet he cannot accuse me.

Serj. Had it not concerned you, it had not been written to you.

Duke. Some Letters never came to my hands: sometime they came to the bishop of Ross, sometime to Bannister, sometime not all deciphered; as Straunge and Bowes, and other that have been messengers for me, can tell.

Here Mr. Attorney began to prosecute the second Part, and spake first to this effect:

Attorney. Now you have heard enough of the first matter. In this indictment are contained three principal Treasons, whereof the first is imagining and conspiring the deprivation, death, and destruction of the queen's majesty: for proof hereof, it hath been truly said, That to imagine, compass, or procure the deposing or death of the prince, is High-Treason by the statute of 25 Edw. 3, and at the common law; for the statute is but a Declaration what was Treason at common law: which Imagination, when it appeareth by overt fact, must needs be judged Treason; for overt fact is but a shewing of a man's mind, which when a man by outward speech or deed hath uttered, it must needs be judged that so was his meaning; which must be gathered by such means, as it may be made to appear. For no traitor is so bold, to say expressly, he will depose or kill the king; but often it hath been seen, that they go about indirectly, and by means that tend to that end: and therefore he that goeth about to stir the people to rebellion, or to levy war within the realm, to assail or withstand the prince by force, is taken to seek the death of the prince. Now therefore to prove that the duke of Norfolk hath imagined and compassed the deposing and death of the queen's majesty, this hath been shewed you: first, by secret and indirect means he sought to join himself in Marriage with the Scotish queen, who pretendeth title to the queen's crown. This he did without the queen's privity, against her highness's express commandment upon his allegiance, against his own promise and submission. First, being at York, a Commissioner appointed by the queen, contrary to his oath and charge, he dealt undirectly and partially, and played an untrue part with the queen; he secretly practised for the Marriage. This being objected against him, he hath denied it: you have heard it testified by three Witnesses, the earl of Murray, Ledington, and the bishop of Ross. So it appeareth, that all the practice and indirect dealing was to this end, to compass the Deprivation and Death of the queen's majesty; for he well knew that the Scotish queen made Title to the present possession of the crown of England; that she denied the queen's majesty to be lawful queen of this realm; that she usurped the royal stile; that she quartered the arms of England without any difference: all this he knew, he was of the queen's privy council at the same time; he knew that she made no renunciation of her unjust Claim, though it were required of her. It was also one Article in the Commission where he himself was Commissioner, To require the Recognition of her error, and of the queen's majesty's present right: he knew well it was not done. If the Scotish queen claimed such present title, then was she no friend to the queen's majesty, but a seeker of her highness's overthrow and destruction: and yet the duke of Norfolk knowing this, practised to compass this Marriage. Wherefore, I pray you, sought he that Marriage; yea, and sought it as he

meant to achieve it with force? It was not in respect of her person, for he knew her not; it could not be for any good report of her virtuous conditions, for he had an evil opinion of her: he did by his writing certify against her, he declared to Bannister that he thought very ill of her. It was not for her Title to the kingdom of Scotland, for neither was she possessed of it, neither did he esteem it though she had it. Wherefore sought he her then? surely in respect of that unjust Claim and Title that she pretended to the present possession of the crown of England; which title cannot be maintained without evident purpose to depose the queen's majesty, and to bring her to Death and Destruction, which is plain Treason by the statute of 25 Edw. 3, for no more can England bear two queens, than the world can bear two suns. And how should we have maintained it, but with force? And how could that have been, without depriving of the queen's majesty from the royal estate? and how could that have been done, without compassing her highness's death and destruction? for the jealousy of an usurper cannot suffer the just prince to live. This your honours are to search and consider, and to your judgments we refer it. Now my lord of Norfolk's chief and only Answer is but his bare Denial, which is no sufficient Answer; specially sith he himself hath fallen into so great discredit, by doing against his word, his hand, his oath. He promised, being commanded upon his Allegiance, never to deal in that matter; he promised, by his Submission under his own hand, utterly to forsake it, and to deal no more with the Scotish queen for that Marriage, nor any other matter: he promised by oath specially taken when he was Commissioner for hearing the matter at York, to do therein directly and indifferently without partiality. All these Oaths and Promises he hath broken, beside the oath of a counsellor which he hath also broken, in disclosing the queen's secrets, and in secret practising against her express commandment. Now also, since he was last apprehended and committed, he hath denied certain things, which he hath afterward, being constrained with strength of proof, confessed; yea, he hath denied those things upon his oath, which he hath afterward granted to be true: so is he not to be believed upon his word, if his own word discredit him, how great soever he be in degree.

Duke. Upon the Statute of 25 Edw. 3 he inferreth, that it is Treason to imagine or compass the Deprivation and Death of the queen's majesty; as the Lord forbid, and I pray God I may sooner be buried in the earth, than I should seek or attempt any thing to the Destruction of her majesty's person. There is a Maxim in law, that penal statutes must be construed strictly, and no penal statute ought to be extended further than the very words. Now in all that my accusers have deposed or said against me, how false soever it be, there is not one of them that say I went about any hurt to her majesty's person, or that I levied or practised to levy any power against her, or to do any of those things that are contained for Treasons within the words of the Statute. Is the bishop of Ross a sufficient Witness against me? There be points enough in the law to prove him no sufficient witness: He is a stranger and a Scot; a stranger can be no sufficient witness, much less a Scot: for whereas when there is peace between the queen's majesty and a foreign realm, the people of that foreign realm may freely come and traffic in this realm; yet though there be a peace between England and Scotland, if a Scot come into England without a passport, he may be a lawful prisoner. Again, I cannot tell what he may for fear. Bracton saith, That Witnesses must be *liberi homines*, free men, full age, honest, and of good report: the bishop of Ross is none such. So is nothing proved of any Overt-fact against me, neither am I accused by any but the bishop of Ross, who can be no sufficient Witness against me. What care I what Hamlin says? It toucheth me not. As for Havers, I never sent him with any such Message: indeed I asked him what company he found with my brother of Westmoreland. He told me, he found none but my brother Westmoreland. But as for my lord of Northumberland, I sent not to him. If I might have brought forth my Proofs, I could have brought forth proofs of good fame, that I sent no such message; I could have proved it by Confessions, and not by hearsay. So is only the bishop of Ross Witness against me, and what he is, all you perceive. I never heard of the Rebellion, till sir Henry Nevill told me of it. If I had had such a mind when I was in Norfolk, I needed not to have come hither; I could have made a shift well enough. If I had intended any such Rebellion or Treason, I would not have put my lord of Northumberland in trust withall, nor yet my brother of Westmoreland, nor would have come hither to put my head in the halter in the Tower: but being as I was, in such place where I might have shifted, I would have kept me from coming here well enough. If fear had moved me, and that I doubted of mine own case, I could easily have avoided. So, I say, to prove me guilty of Treason, you must shew some overt-fact that I have done against her majesty's person: And to the Witnesses, I think I have said sufficiently. As touching my dealing with the Scotish queen, so far as I dealt without compass of Treason, this I say for my meaner faults, inferior to treason, I have with all repentance and humility submitted myself to the queen's majesty, I beseech you confound not those with this case: but in my dealing with her about Marriage, I pray you draw it not to such intention, to advance her title against the queen; because though she once made such claim, yet considering what amity hath since been between the queen and her, to make her now an enemy, is hard; and surely to marry her, though I treated of it, I never concluded, minded, nor intended. Where it is said I was

privy to the device of her taking away, I utterly deny it. If I had been so, I would not have been against her, nor would have certified against her; I ever advised her to submit herself to the queen's majesty: but when no overt-fact of Treason can be proved against me, to bring me in thus by arguments and circumstances, I think it very hard. If I should have stolen her away, I could not do it alone: was I so destitute of friends, that I could not make any man privy to it? And who is there that accuseth me of it, that may spend five marks a year? Now sith nothing is proved against me by any Witness sufficient, I beseech you consider favourably of me. Indeed my brother of Westmoreland sent me his man with recommendations; and I sent him, by his man, a ring which my sister had sent me before; and also Havers with this Message, 'Commend me to my Brother of Westmoreland, and tell him that I am well, mine Innocency shall deliver me:' but nothing touching any Rising at all. If ever I were privy to that Rebellion, then condemn me of all the treasons that you lay against me.

Attorney. My lord and I are now at issue upon this point; I affirm it with Proofs, and his lordship barely denieth it. If his intent were to compass the Marriage, knowing her to pretend title to the present possession of the Crown; then must this grow to an Imagining to depose the queen, and then it is Treason (*i*). An overt-fact is a Declaration of the Mind; Letters, Tokens, Speeches, Messages, and such like, be overt-facts. Now if you had married her, you must have maintained her pretended Title, which you could not have done without manifest purpose and compassing to depose the queen, and to bring her to death, which is High-Treason. Now beside, there is one other fact, which I will give you in Evidence; which most evidently proveth the duke of Norfolk's Imagination and Compassing to depose and destroy the queen. It is well known that Pius 5th the bishop of Rome, is the queen's majesty's notorious enemy, he hath been so published; he hath so shewed himself in his proceedings: he hath shewed it in his Bulls, they have been brought into this realm, and some have suffered for them. The duke of Norfolk knowing it to be so, hath practised with his factor, hath sent unto the pope for aid and force against the queen: he conferred with one Rodolph a Merchant Stranger, to go over sea to the duke of Alva, and to the pope, in the name of the Scotish queen and the duke of Norfolk, and to procure power to invade this realm, for the advancement of the Scotish queen's false Title to the crown of this realm; and in the mean time, the duke promised to move her friends to levy such power as they were able, to assist the strangers when they came in. If this be proved to you, then is it flat Treason. To use force against her majesty in her own realm, must needs be done with intent to depose her, which force she must needs resist; which if she be not able to do then followeth her Death and Destruction. My lords, here goeth still all to one manner of purpose, his own bare denial, and allowing of no sufficient Witness; but here God himself shall be witness: this is a matter opened by God himself. It was known, that a Treason was in hand; many searches were made to understand it, no man could by any travel find it out, till God himself opened it; so as the Saying is fulfilled, 'What is done in secret shall be made open.' The Treasons my lords of the council knew of; it appeared in April last, that such a Treason was; but whom it toucheth was not known to them, no not to him that opened it. So as God hath opened it, to affirm these mean men to be of credit. The Treason being known to the privy council half a year together, yet could they not understand the party, till God disclosed it by marvellous chance. In August last there was 600*l.* of money prepared to be sent with Letters into Scotland to the queen's enemies, for their relief and maintenance, and by the duke of Norfolk's appointment to be conveyed to his man Bannister, and so into Scotland. This money was delivered to one Brown of Shrewsbury, by one of the duke's servants, one Hickford; who said to Brown, 'Here is 50*l.* I pray you help that it be conveyed to Mr. Bannister's dwelling near Shrewsbury.' Brown having received the money, though the bulk was somewhat like the proportion of 50*l.* in silver, yet the weight, by reason it was gold, made him suspect it: whereupon he went to one of the queen's privy council, and disclosed his suspicion, that so he might learn what he carried. This bag being opened, there was found 600*l.* in gold, and certain letters withal, to the queen's enemies, and to Bannister: Whereupon the duke's man, that sent the money, was apprehended; and then, by God's good providence, was it found that this Treason touched the duke of Norfolk, under the Name and Cipher of *Quarante* 40, and another nobleman was signified by the Cipher of 3 *Trente.* Then fell out new matters: certain of the duke's servants examined, whether they knew of any Cipher used to any man by the name *Quarante,* they confessed that *Quarante* was the duke of Norfolk; they were kept in several places, the bishop also a prisoner in a place several from them all, and yet they all agreed in one. So God's work hath enforced their credit by their agreement, being severally kept. Thus came it to light by God's own work. Now see what the cause was: The great Treason was contained in Letters written in cipher, to one signified by the Number *Quarante;* this *Quarante* was for the duke, and so the duke confesseth. What cause had they to suspect him? Letters from Rodolph made mention of great Treason, and of provision of men from beyond the seas, to invade this realm, according to his order and request, who was meant by *Quarante.* If then we shall prove unto you that Rodolph had this Message and

(*i*) See 1 Hale's Pleas of the Crown, 120.

Commission from the Scotish queen and the duke of Norfolk, to treat with the pope, king Philip and the duke of Alva, for the bringing in of 10,000 men to invade England, and to make war against the queen in her own realm; there must needs be compassing to depose the queen, and to bring her to Death, and so High-Treason: For he that will levy force to invade or make war in a prince's realm, and that in maintenance of a Title to the present enjoying of the crown, doth what he can to depose the prince, and consequently also doth what he can to destroy the prince. Now to prove that the duke of Norfolk dealt in this manner, sent this Message, and practised to bring in this force of strangers, and to levy War against the queen within the realm, it shall be good first to shew what manner of man this Rodolph was: He was one that lived divers years here in this realm, a notable traitor and enemy to the queen and realm of England, and of long time the pope's Factor. In the duke's first Trouble, this Rodolph was suspected of such practices, and therefore by the council committed to the custody of Mr. Walsingham till October was twelvemonth; and for that no evident matter appeared, he was delivered again in the November following: So soon as he was delivered, he by and by opened to the bishop of Ross, That he was Factor for the Pope; he shewed him his Commission, and sundry Letters written to him by the pope's nuncio in France, about matters of the practice a long time. This Rodolph was well known to the Scotish queen, the pope himself and his nuncio recommending him to the Scotish queen: The duke was made privy of it, and made him privy to his dealings, and kept it secret from the queen and her council. When the Bull was brought over, that Felton died for, this Rodolph had six copies of it, and dispersed them; whereof he gave one to the bishop of Ross, one other to the Spanish ambassador, and the third to the French ambassador, and the rest we know not what he did with them. Now the duke knowing him to be such a one, he was a fit man to deal with. That he was such a one, and that the duke well knew it, and sent him in message to the duke of Alva, and to the pope, you shall see plainly proved. Then what his message was, you shall see also disclosed, and how things hidden will, by God's providence, come to light. The Letters were written in cipher, and deciphered, and the Cipher hid in the tiles, and found by chance; so as it may appear God's own work to open these Treasons.

Here the Duke took exception to his saying, that the Cipher was found in the tiles; and said, it was not the Cipher that was found there, but the Alphabet: so the Duke always in his Speech called the Letters or matter written in strange characters, the Cipher; and the paper of the characters themselves he called the Alphabet, which Mr. Attorney usually called the Cipher.

Then was read the Bishop of Ross's Confession the 3d of November, to the 5th Article. Also Ross's Confession ad 7 Artic. litera 6. Also his Confession the last of October, Article 23. All this the Duke denied, and said, I never saw any Letters from the pope, but one, which I will speak of anon.

Then was read the bishop of Ross's Confession to the 6th, 7th, and 8th, making mention of a Pacquet, wherein was one Letter to the duke, by the title of *Quarante*. Then was read the bishop's Confession, dated 26th of October, fo. 2. concerning Andrew Beton's coming.

Att. The Duke had these deciphered, and read them.

Then was read Barker's Confession, 6th of Nov. Art. 3.

Att. Thus plainly appeareth, that the duke was privy to these Messages to the pope, and Conference with his Factor: now it resteth to understand what followeth of this course begun with Rodolph the pope's factor; what Messages were sent; what practices devised; and what ensued. Upon this Letter, the Scotish queen wrote a Letter to the bishop of Ross, wherein she wrote back a Discourse of her Estate and Device, what she thought best to be done, referring all to the direction of the duke of Norfolk. Here is the Letter itself to be seen.—This Letter came to the bishop of Ross; he sent it over to the duke, with a Letter from the Scotish queen to the duke. This Letter was deciphered, and found hidden in the duke's house under the mats in an entry, in the way as the duke went to his bed-chamber: the Cipher itself was found in the tiles of the house. This plainly declareth, how the duke in dealing with the Scotish queen and the pope pursued his purpose of advancing the Scotish queen to the crown of England: that the Scotish queen was in practice for it with the pope, and referred the Dispatch of Rodolph to the duke; and the receipt of those Letters is confessed by Hickford, and by the duke himself.

Here was read the Letter of the Scotish Queen to the Bishop of Ross.

Att. By this Letter appeareth, how the Scotish queen hath set out the whole Plot of the Treason: a Message should be sent for Aid from foreign parts; Rodolph the fittest man to be the messenger; and that Rodolph should be dispatched to go about it, when the duke of Norfolk would. The Device was to move king Philip for Aid, upon a consideration of her State here, to enter into deliberation of the time and opportunities to set her friends to field, and to seize themselves of her. This is confessed by Hickford; and this Letter is also confessed by the duke himself, that he received it about January was twelve-month, and it was hid under the matts.

Duke. I bid that the Letter should be burnt.

Att. God would not have it so; but that it should remain for disclosing the matter.

Duke. As touching Rodolph, what manner of man he was, is no matter to me: I know of

no more, nor am to be charged with no more than I myself am privy to. I never dealt with him about any cause of mine. I received no such Letter, but that which Barker said came from him, which was not that of January that you speak of, about two years ago; and as for Instructions and Letters about that January was twelve-month, I received none.

Burleigh. Here the lord Burleigh said to Mr. Attorney, You may mistake, it was this time twelve-month, for now we are in January. And so Mr. Attorney remembering this present month to be January, referred the Letter to January now a year past; and said, This Letter that I now charged you with, came to your hands at this January was twelve-month: it came first to the Scotish queen's hands; she took occasion upon considering her own case here in England, in France, and in her own country, that it was best for her to cleave unto Spain. She wrote to the bishop of Ross her Discourse to that end: she counted Rodolph the fittest messenger; matter was devised for his Instructions; she referred the Dispatch wholly to the duke of Norfolk; the duke dealt in it, his Message appeareth. And thus it continued till March; and then, according to the Plot before laid, Rodolph was dispatched, and went over indeed.

Duke. What was delivered to Barker, I know not; that is nothing to me. I am sure they will not say they delivered it me, nor that I received any such Letters or Instructions. This I say, the bishop sent me a Letter of the Scotish queen's, together with a letter of his own: in her Letter she complaineth of her own subjects, and saith, she will seek other means for her relief. This Letter was decyphered; I misliked the Device, and bad that the Letter should be burned; so the Letter in Cypher was burned, and the Alphabet was saved. I sent word that I misliked all those devices, and I advised the Scotish queen to depend only upon the queen's majesty, or else, if she would take any other cause, both I and all other her friends in England, would give her over; and thereupon it was that I said, that the queen, if she fell to such practices, would publish her Letters and Doings to her infamy. Upon which my words, the bishop of Ross excused himself, and laid all this matter, of this new Device, to Beyton and Rowley. It is not true that Barker made me privy to any such Message or Instructions, as hath been alledged. Also he is not to be allowed for a witness against me, for he hath confessed Treason against himself; and persons outlawed, or attainted of Treason, are no sufficient Witnesses.

Catlin. My lord, there is none of those Witnesses, that have declared matter against you, outlawed, or attainted of Treason, or yet indicted.

Duke. They are worse; for they have confessed Treason.

Att. The bishop of Ross, at this time, was in custody, and these men also that have confessed against you, were also kept in custody, kept asunder in several places, and severally examined, agreed all in one, and your own Confessions agree with them: how can this be imagined and false? All these do testify it with one consent. The bisnop of Ross, when he first came to the city, was examined of these things, he denied all, he stood in it earnestly; when questions were asked him, he said, He was an ambassador, and not so to be dealt with, but to be referred to his own mistress the Scotish queen. When he was committed to the Tower, and there again examined seeing things confessed already; and by the manner of the questions that were asked, perceiving some light that the truth was known: then he confessed also, and in his Confessions doth agree fully with Barker and the rest; which consent could not possibly be, if the matter were not true; besides that, he hath in his Confession touched himself.

Duke. They have not agreed in Confession against me, that I told them any such thing: but one of them told another, and so from hand to hand it went among them.

Att. Well, you see what is confessed, and with what consent we are at issue; here is but your lordship's Denial; I leave it to my lords here to consider of the Proofs. If you had been a good subject, being then a prisoner in your own house, when such dangerous matter came to your understanding, you would have opened it, that the queen's majesty and her counsel might have provided to withstand them, but you did it not. The duke of Norfolk found flat Treason intended; Rodolph was the messenger that procured it; the duke knew it; Rodolph was referred to the duke's Dispatch, upon the Conference of the bishop of Ross and Rodolph about the matter, and the Scotish queen's willingness to have him sent about the matter. Thus it proceeded: It was agreed that Rodolph should have his Message in writing; and at the same Conference, Barker being also among them, it was agreed, and set down in his Instructions, that his Message should be this: He should go to the pope and the king of Spain, in the name of the Scotish queen and of the duke of Norfolk, to require of them money and men for the enterprize. Rodolph required to speak with the duke: Barker brought him to the duke at Howard-house; there they talked together, the duke and Rodolph a whole hour, till it was nine of the clock at night. After this Talk, the duke delivered to Barker a Paper, saying, that Rodolph left it with him; which Paper contained the sum of the Treason, and therein was also a Paper of the Names of divers noblemen, knights, and gentlemen in Cipher, whom they counted that they would take the duke's part, but they counted without their host; so that there was for every name a Cipher, of the which 40 was for the duke, and 30 for the lord Lumley. Barker received it of the duke, and delivered it again to Rodolph. Upon this Cipher of 40, fell out the understanding of the Treason.

Here was read Barker's Deposition, 10 Oct. Interr. 8. Item, Barker to the 22 Interr.

Att. In this Bill the duke is proved to be 40, the duke himself hath also confessed that 40 standeth for his own name. Barker brought Rodolph to the duke, which the duke also confessed, and that Barker brought him Instructions for Rodolph's money.

Here Mr. Treasurer and Mr. Chancellor of the Exchequer, sworn, did testify that Barker made all these Confessions freely, without compulsion. Also Mr. Wilson, sworn, did testify the same; and that Barker was never offered torture, nor was once in the prison where the rack was: but the duke said Barker saw where his fellow had been.

Att. Did not Barker bring Rodolph to you at 9 of the clock at night? Did he not leave with you Instructions in French?

Duke. I confess it.

Then was read Barker to the 16th.

Att. Rodolph came also the second time to the duke; after he was come from the duke, he said to Barker, That the duke and he were agreed of his Journey, and that the duke prayed him to depart with speed. This Message was to procure men and money for the Enterprize of the Treason; and on this Message the duke dispatched him.

Duke. Touching Rodolph's coming, I have indeed confessed that he came to me. I was in summer was twelve-month bound in recognizance for 1800*l.* to Rodolph, for my lord of Arundel, and for my brother Lumley; the day was passed whereby I stood in danger of my recognizance. I sent to Rodolph to intreat him to cancel my recognizance, and I offered to give him 20 yards of velvet; Rodolph would not be persuaded, but desired to speak with me himself, which Barker reported to me. I was very loth that he should come to me, for he was in trouble at my last trouble, and so I thought his coming to me would be suspicious. Barker promissed that he would bring him to me secretly, and at such a time as it should not be known to make any suspicion. So Rodolph came to me, and I did what I could to intreat him about my Recognizance, and I could not persuade him more, than to promise that he would not sue me. He told me of his trouble and of his Imprisonment at Mr. Walsingham's, and what words Mr. Walsingham gave unto him, also of the Scotish queen; and that he should deal with the duke of Alva for Money for her to her own use, and for necessaries, as he had done before. He prayed also my Letters in the Scotish queen's favour to the duke of Alva: I began to mislike him, and was loth to write; I sought ways to shift me from him; I said I was not well at ease; I could not write, and it was late, and so I would not deal. As for the Bill of Names, I saw none such, nor understood of any such, till the Letter that came over from Rodolph about Easter. I delivered a Writing to Barker: I confess it; but it was about that matter which I have confessed already for my Recognizance; and so I dealt not with any such matter as is alledged against me, nor received any other instructions, but only as I have said, about my own matters.

Att. My lord, this is but your own saying, and it carrieth no likelihood: but Barker goeth nearer to you: he telleth you plainly what the Instructions were: it was to king Philip for men, and to the pope for money.

Duke. Barker hath confessed himself a Traitor, and therefore is no sufficient Witness against me. I never knew of any such Bill of Names, nor such Instruction in French.

Att. It is sufficiently proved. Now Rodolph came to you again a second time.

Duke. I deny it: he came no more to me.

Att. That is not so: for Barker telleth plainly, not only the time, but also the several ways by which he himself brought Rodolph to you.

Duke. There be ways enough, he might have devised also a dozen ways more, if he would, in that house.

Here was read Barker ad 11.

Att. Lo! he telleth you which way Rodolph came to you.

Duke. So he may devise more ways when he will.

Att. Now you shall also hear it confessed by the bishop of Ross, who at the time of his Confession was in prison, not knowing what Barker had said.

Here was read Ross's Confession of that matter. Here was also read Rosse, the 6th of November.

Att. Here you see how the duke agreeth with Barker. And there was read Rosse more, the 6th of November; how Rodolph made account of his time, and of his return before the parliament ended.

Then Mr. Attorney made a brief Rehearsal of the Matters contained in those Confessions, and shewed the Agreement of Ross and Barker; and then was read Ross, fol. 3. touching Rodolph's Account of his old soldiers, that he could bring against the English, of the duke of Medina's coming, of 7000 Spaniards to be spared. Now the duke had satisfied Rodolph for his credit, and though the duke subscribed not, yet if the duke were a Christian man, he was assured of him, and so would assure foreign princes on the duke's part.

Then was read the Confession of the bishop of Ross, to the 18th.

Now shall you hear further: Rodolph, before his Voyage, moved to have letters of credit, that he might deal with foreign princes; whereupon three Letters were devised, to commend Rodolph to the Pope, the king of Spain, and the duke of Alva, and to give him credi in his Message, that he might be able to procure Aid for the Scotish queen, and for the advancement of the Catholic Faith. The duke answered, I am loth to write; for if I write, the queen's majesty hath great intelligence, and so if my Writing should come to light, all were marred; and so he would not write. Then the bishop of Ross, and Barker, travialed

earnestly with him to subscribe the Letters; but he would not. Then, at length, it was advised and agreed among them, that if the duke should send one to the Spanish embassador, to declare his assent to affirm the Letters, it should satisfy Rodolph and the foreign princes, though he subscribed not: wherewith the duke was content, and sent Barker with the bishop of Ross, and Rodolph, to declare to the Spanish ambassador, that the duke was content to affirm the Letter, and to let it pass in his name. And so the Spanish embassador recommended Rodolph's Message in the duke's name, without the duke's subscription.

Here was read the bishop of Ross, ult. Oct. ad 20.—Also Barker was read of the same matter.

Att. Thus it is plainly proved: and if they say true, as it cannot be that they can so agree, if it were not true; then can it not be denied that the duke is guilty of all this Treason.

Duke. Here is too much at once for me to answer without book; my memory is not so good, to run through every thing, as they do that have their books and their notes lying before them: therefore, I pray you, if I forgot to answer to any thing, remember me of it.—It is said, That there are two or three Witnesses against me; all this two or three are but one witness: for Rodolph said it to the bishop of Ross, and of his mouth the bishop told it to Barker, and so from mouth to mouth; they are all but one witness. Besides that they have confessed themselves wholly in Treason, and now they would bring me in with them too; and so are no sufficient witnesses against me. Note, I pray you, the Advices, and see how likely they are: ten thousand men must be landed, whereof three or four thousand must be horsemen; they must land at Harwich, and a port in my county; neither is Harwich a port in my county: and I am not of so little skill, that I would have three or four thousand horsemen land in Essex, the unfittest place for horsemen to land in all England, a county best inhabited of noblemen, gentlemen, and other ability to resist them: And who would land horsemen in Essex, a county all full of lanes, woods, ditches and marshes? I would have chosen some other county rather, if I had been so minded. Again, in respect of Religion, I would not have landed them in Essex, that came to destroy religion, and so should have found but little assistance. And would I have brought in power, or joined with them to the overthrow of Religion? It hath lately been said by that side, that I could not be recovered from my religion: I would not be changed from my religion; I had rather be torn with wild horses. Besides that the county of Essex, adjoining to the county of Suffolk, is most unfit for that purpose; no county in England more replenished with protestants nor of better ability, and none more likely to withstand papists. As for moving of friends, I never dealt to move any person in the matter; I never made provision for it; I provided no armour, shot, powder, nor money. I made no friends privy to any such intent. Some presumption it is, that if I had intended any such matter, I would have made some privy to it. I was no otherwise so destitute of friends, I would have provided armour, shot, and powder; I would have provided money; I am sure there was not much money found. For armour, I had not at my house here past eight armours which were of proof, and a hundred harquebusses; and besides this, I bestowed not 10*l.* in armour these ten years: powder I have not two barrels; yea, not above a barrel in all. So see the likelihood of their devices; no conference of friends to take part; no provision of furniture; a country, both in religion and situation, unapt for the matter.—Where they say Rodolph told Barker, and Barker told me; and Barker came from Ross and from Rodolph to me, and from me to Ross, to declare that I was content to affirm the Letters of Credit, I deny it. As for my consent, that the Spanish Embassador should affirm the Letters in my name, how unlikely a thing it is, that I was content to affirm them, but not to subscribe them; as if I knew not how small is the difference between subscribing and affirming; and as if I had such slender wit. Rodolph never came to me but once; indeed I heard that Rodolph would fain have came to me again the second time, but I would not; Barker earnestly urged it, but I refused. To please the curious Italian head of Rodolph, they devised it among them to deal with the Spanish embassador. As for me, I never heard from the Spanish embassador in the matter; I never saw him but once at my Lord Treasurer's. I was angry with Barker for going to him in my name; and he excused it, and said, he could not otherwise content the bishop of Ross and Rodolph: and so that affirming of the Letters was Barker's own doing, and not mine. I would they might, in our private Examinations, have been brought face to face with me. I could have put them in mind of things; they have confessed Treason of themselves, and they would bring me in with them, and lay it on my shoulders. I am hardly handled, I have been 18 weeks committed, I can speak with no body; if I might have had them face to face, and been allowed to bring forth my proofs, I would have brought forth direct matter and proofs, and therewith made them remember themselves. Consider, I beseech you, what they be that accuse me; the presumptions be in all likelihood, that I should not so do as they accuse me; and as for them, they be persons that have accused themselves of Treason, and so be of no credit. As for mine own Examinations, they wholly agree in such sort as I have here declared in mine Answer.

Attorney. Your Answer is nothing but bare denial: and here are three Witnesses against you, and all three severally examined, have agreed in one; and Barker hath directly confessed; and if you doubt of impulsion, you shall hear how willingly and how freely he confessed it, because the same Examination was taken

before sir Thomas Smith, and subscribed with his hand: Mr. Wilson upon his oath declared the same to be sir Thomas Smith's hand.

Duke. Where it is said, that I should bid them to write, or should affirm their Writing, it is not true. Indeed Banister spake to me to write for Money for the Scotish queen, and I refused to do it. If I should have dealt in any such matter, I would have trusted one Banister afore fifteen Barkers. And as for your number of Witnesses in this manner by hands one from another, twenty witnesses may prove but one witness.

Att. You shall hear your own Confession agreeing with them: you were content Rodolph should use your name to the duke of Alva, and that he should assure the duke you were a Catholic, and that he should shew tokens to prove it, for that you kept papists in your house, and were a friend to papists.

Here was read the duke's Confession, 10 Oct. ad interr. 58.

Here his own hand confessed the matter.

Duke. I saw the Instructions indeed, and this matter was in it. They sought to have it thought I was a Catholic, to serve their purpose, and did put it in of themselves; but I allowed it not, I would rather be torn with wild horses than forsake my religion.

Att. These Instructions remained still in your custody: why did you not burn these, as well as you say that you commanded the Letter to be burned?

Duke. Because it was their writing and not mine.

Wilb. You are content it should be extant; to what purpose was that if you misliked it?

Att. Your lordship shall yet see further a Letter of the bishop of Ross, written to the Scotish queen, wherein the whole plot and course of the Treason is plainly set out at large; the letter came to the Scotish queen's hands while my Lord Steward was there, which my lord steward affirmed. So the Letter was read.

Duke. The bishop of Ross is no sufficient Witness against me, for the causes that I have declared.

Att. I leave his credit to my lords here to consider, let them weigh it as they see cause. Now come to consider your own doings; since your last Imprisonment, Letters have been conveyed unto you, and you have sent letters abroad, by many subtle and secret ways of conveyance, one letter you sent out written with red-ocre, wherein plainly appeareth that you feared the matter, and that something was confessed, and that you were afraid of more; you willed the bishop of Ross should take all upon him, because he was an ambassador, and that a Bag of Writings should be sought out and burned.

Here the Letter written in red-ocre was read, which the duke confessed to be his own.

Att. This Letter gave occasion to seek the Bag, and so were the Writings found under boards fast nailed, and thereby was understood that *Quarante* was the duke; and so by God's work broke out the whole practise of the Treason. This Letter was directed to nobody.

Duke. It was written to Bayly, and Bayly received it. I can answer this letter well enough. Here I am charged with two matters, for matter of my Confessions, and for burning the Bags of letters. As for that which is there said, that I confessed nothing but what I saw confessed by others, the truth is I received a Letter wherein I was charged, that I had accused some falsely, I wrote to satisfy, that I had not accused any of any matter of Treason, nor could if I would; and this was the meaning of that part of my letter.

Att. Where is the letter whereby you were charged that you had accused falsely?

Duke. I kept it not; think you I would keep letters? Burned letters do no hurt. As for burning the Writings in the bag, it maketh nothing against me in this case; for they were nothing but private letters of the Scotish queen's, written before and when I was last in trouble, long before this matter. At Banister's coming up at Easter last, he brought them to me, and I willed Barker to lay them up: what needed such searching for elder matters? I had them be made away, for they were but private matters between the Scotish queen and me.

Att. There was the letter that disclosed you to be *Quarante*, whereby the Treason was known: now here is also another Letter of your own, which you secretly sent out of the Tower, which sheweth your guiltiness, in the matter of the great Treason with Rodolph.

Here the Duke's other Letter was read.

Duke. This was only, as I have declared before, for my conference with Rodolph, for the matter of Money, both touching mine own Recognizance, and procuring of money for the Scotish queen, for her necessity.

Att. By the whole course of the matter that goeth before, it is for the Treason, and not for the Money. Here is also another Letter of your own, which carrieth manifest presumptions of the Treason, where, among other things, you will Barker to confess no further, if he love his life: besides other most manifest suspicious matters.

Duke. I wrote it not in respect of any fear that Barker could hurt me, when I willed that Barker should confess no more, as he loved his life: For indeed he might touch himself in Treason, (as he hath done) but not me, for I never consented to it.

Att. Now shall you see how the matter proceeded further: After the dispatch of Rodolph, in Lent last, as he had made shew before, that he intended to go over sea, and was all this while practising about this Treason; at length being frighted with these Messages, he came to sue to the queen for a pass-port, which was granted him, and he carried over two geldings with him, which is evident proof that he went over. Now shall you see what effect it took and by the Answer you shall discern the Message, and practice: Being beyond the sea, and

having done his Message, he sent advertisement to the duke how he sped, and likewise from the pope; which plainly discloseth the whole purpose and plot of the Treason, as shall be declared unto your lordships.

Here began Mr. Solicitor.

Solicitor. For that the time is spent, and your lordships, I think, are weary, I will not now make any collection what hath been gathered of the attempt of Marriage with the Scotish queen, only I will deal with the matter of Rodolph's Message, and the effect thereof: And the duke's adhering to the queen's enemies and Rebels, shall be another part. In this matter of Rodolph, hath been laid before you a plain plot for a Rebellion, and for Invasion of the realm, set forth in the Scotish queen's Letter, which was deciphered by Hickford, by the duke's commandment, as hath been said unto you: the effect whereof was as hath been declared.—And here he repeated the effect of that Letter, containing the Device of putting men into the field, and to seize the Scotish queen. Now if the device were followed, and if the duke were a doer in it, if he were a consenter unto it, if Rodolph were practised with for the Journey, if he received his Message to that end, if he went and pursued it, if he sent Answer accordingly; then it must needs be that here is matter of High-Treason, and the duke of Norfolk guilty of it. It hath been shewed by the Declaration of Barker, and of the bishop of Ross, how Rodolph was the pope's Factor, was commended by the Scotish queen for a fit messenger in this matter, was conferred with about it, Articles were devised, they were shewed the duke, and the duke himself hath confessed that he spake with Rodolph, and that he saw the Instructions. Now is the question, How far the Instructions extended, whether to matter of High-Treason, as hath been alledged, or no? The duke saith for his excuse, That the Instructions were but for a private cause of Money, and that when Rodolph required him to write his Letters, the duke refused and cast him off. See how this accordeth: If it were but a private cause, whereto served that refusal to write? As well he might by Letters, as by Instructions, pursued in a private cause. What needeth that secret coming in the night-time about a private cause? The duke himself confesseth, that the Instructions were shewed him before Rodolph came to him; he confesseth also that Rodolph was commended by the Scotish queen; the Instructions have here been shewed, containing the matter of his Journey, and extending to the Treason: He came to confer with the duke. Now let your lordships judge why, and about what matters they conferred.—

The bishop of Ross and Barker do, of their own knowledge, declare, how, for furniture of this Message, there were letters of credit devised in the name of the Scotish queen and the duke of Norfolk, to the pope, the Spanish king, and the duke of Alva; the duke refused to subscribe them, for fear, if he should deal too openly, the Treason might perhaps to some appear: therefore a Device was found out how to salve the matter, That he should, by his servant, affirm the Letters to the Spanish ambassador, and so they should, by the Spanish ambassador's commendation, pass with as good credit as if they had been subscribed. This Device was performed, his assent was witnessed, and the letters of credit confirmed accordingly. Rodolph went over to the duke of Alva, and from thence to the pope; he returned answer of his Message, and gave advertisement to the duke. Did not he send his answer concerning the very Instructions that have been alledged, and the matter of Treason, and not of a private cause? And to whom? Sent he not answer to the duke, by the name of *Quarante*? Would Rodolph make answer to, and advertise him that never sent him, and of a matter that he never sent him about? By this you may see the intent of the Message. Now shall you see what Answer was returned.

The bishop of Ross, after this, sent over a servant of his, one Charles Bayly, to fetch certain Books that were printed in those parts; books containing very seditious matter, whereof I have seen some, by permission, tending to these ends. First, therein is conveyed to the Scotish queen a Title to the crown of England, a Descent above the Conquest, and so labouring to impair the interest of all our kings that have reigned since the Conquest. Then the Judgment of the right of the crown of this realm is reduced to an universal law, which they call *Jus Gentium*, and the discerning thereof exempted from the laws of this realm. And of that universal law they establish one universal Judge, whom they insinuate to be the pope, whose Bulls you see have passed in prejudice of the queen's majesty's undoubted right. This Charles Bayly being in those parts for this occasion of the Books, met with Rodolph at Brussels, after that Rodolph had had his dispatch from the duke of Alva, and was hasting to the pope; and therefore having haste of his journey, and much to write, and small leisure, he desired Charles Bayly to write for him two Letters for two noblemen of this realm, both in Cipher: but to whom the Letters were directed, Charles himself could not tell; for Rodolph subscribed the letters himself, one to *Quarante*, the other to *Trente*, Charles Bayly bringing their Books and Letters, was taken at Dover, the books were brought to the Council, the pacquet of Letters were conveyed away to the bishop of Ross: and daily more and more grew the suspicion, by reason of the repair of the bishop of Ross's servants to the Marshalsea, where Charles was. At length there were Letters taken between the bishop of Ross and Charles, mentioning the recovery of Rodolph's pacquet. In this pacquet was the advertisement of the success of the voyage, from Rodolph to the duke, by the name of 40. This Letter of Rodolph's was sent to the duke from the bishop of Ross by Barker; Barker delivered it to the duke,

from whence it was sent back again to the bp. of Ross by Gutbert, and by Gutbert it was deciphered, and carried again to the duke by Barker: upon this ocasion Gutbert was sought for, the duke conveyed him away, and this conveying away of Gutbert, the duke hath confessed. If this be thus, then must it needs be that Rodolph was sent by him, and to such end as the letter bringeth answer of. In the Letter, this was contained, That Rodolph had spoken with the duke of Alva; that he had very good and loving audience; that the duke of Alva lovingly promised all the help that he could; and that he would commend the cause to the king of Spain his master: and he advised Rodolph to go forward to the pope, and that he said he could not do farther without more warrant, which he would seek to procure. Also certain questions were asked by the duke of Alva; as, What fort was between the haven where they should land and London? How near London it was? So the nearness of London was respected, how incommodious soever your lordship saith the place was for horsemen. These questions belike depended upon the matter propounded, which touch the Plot of the Treason, and not a private cause, as your lordship pretendeth. The duke of Norfolk confesseth the receipt of these Letters, and the deciphering of them. So Charles Bayly, by Rodolph's request, wrote the two letters in ciphers; Rodolph himself directed them to 40 and 30. Charles being taken, and confessing the writing, and bringing of these letters, and the matter contained in them in April last, yet knew not who was 40 nor 30. This was strangely conveyed, treason known in matter, and yet the person not known to himself that wrote it.

Here was read Charles Bayly's Letter.

These Letters of Rodolph were conveyed to the bishop of Ross to deliver to 30 and 40, refering the rest to his Dispatch at Rome. And this falleth out also very likely for the time; for Rodolph departed home about Easter before.

Here was read Charles Bayly's confession, ad 3.

Solic. Now you see to what end the effect of the Message tended; you see what it was, and how it was done; you see how it was received, and the duke of Alva's Questions upon it: now you shall see the contents of the Answer, by the Examinations of the bishop of Ross, and Barker; the receipt of the Letters of Answer the duke himself hath confessed.

Duke. Where they say this Message was sent by my privity, by reason that I was meant by 40; I deny it; I never wrote by Rodolph, I refused to do it, I knew not his letters were to me, but as Barker said: and it was not likely they should be to me; for it was a matter which I was not privy of, and in a cypher which I had not; Rodolph left no Cypher with me. As for the taking of the pacquet, I knew nothing of it; the letter I never saw in cypher; Barker brought me a decypher, telling me, That 40 was for me, and 30 for the queen of Scots. When he told me first he had the cypher, I asked what I should do with it, and how I should read it, having no cypher? Barker answered, that it was left with Gutbert; for Rodolph, at his departure, had told him, That he would write answer of the money for the Scotish queen, and that he would leave the cypher with Gutbert; and that he had so done, and in the letters decyphered did appear, that the duke of Alva had promised aid of money for the Scotish queen for her necessities; but he could not yet do it for want of commission, but as soon as he had commission he would. When I heard of this I misliked this dealing with the duke of Alva, having before refused to write to him in the matter at Rodolph's request; and I threatened Barker if he so dealt any more with me. The Letters might be to me, as Barker said, but I knew not so much.

Solic. This your Answer is in all no more than a bare denying, and so be all your Speeches, all upon your own credit only.

Here was read Barker's Confession, ad 2, 3, concerning Rodolph's Letters in Cypher, and the Decyphering by Gutbert, and the port where the Walloons should have landed, &c.—Then was read the bishop of Ross's to the 12 and 13, to the same effect.

Then Mr. Solicitor recited again the effect of the letters, and the said confessions of Ross and Barker, and proceeded farther thus:

You see all these agree in one concerning the contents of the Letter; now the Letter being decyphered by Gutbert, and Gutbert being able to discover the whole, this Gutbert, when he was sent for by the council, was conveyed away by the duke's means, as the duke himself hath confessed.

Duke. It may be Barker received this Letter as you spake of, and that Gutbert decyphered it, and that it contained the matters that you alledge; it may be that they kept that letter still to themselves, and might bring me another letter, containing only such matter as I was contented with, containing the private cause.

Solic. An unlikely matter; but thus you see the duke confesseth the receipt of the Letter, he only denieth that it was to this effect. It was confessed, that a letter to this effect was written to 40; he also confesseth, that 40 was for the duke himself. The duke of Alva's Questions proved the form of the matter; the duke read that Letter.

Duke. I read not that letter, but of another matter, and you bring but one witness to prove it.

Solic. There be two witnesses, Barker and the bishop of Ross, severally examined, who agreed directly, expressing it. And Bayly also wrote the letter himself containing the Treason, and not knowing to whom the letter was directed, accordeth with them.

Duke. Barker and Gutbert might make the letter themselves, and put in and out what they list.

Solic. Why did Rodolph write you a letter at all?

Duke. I know not. Barker presented me the letters out of Cypher, and I had not the cypher, nor saw any such letter as you alledge.

Solic. It appeareth farther, how after this dispatch with the duke of Alva, Rodolph went forward on his Message to the pope; and having also good success there, he so advertised again. The pope sent letters to the duke and the Scotish queen, to this effect, That he liked well of their Enterprizes, &c. Would Rodolph have gone to the pope and procured letters, if he had not had Instructions accordingly? The duke himself hath confessed such a Letter, conceived there came Letters, both of one tenour; the one by the way of France, the other by the way of Flanders: the effect you have heard, and the receipt is confessed.

Duke. Barker indeed brought me about 6 or 7 lines, written in a Roman hand in Latin, beginning thus, *Dilecte fili, salutem.* I asked what it was? and Barker told me, it was a letter from the pope to me: wherewith I was offended, and said, A Letter to me from the pope! What have I to do with him, that is enemy to my religion and country? How cometh this to pass? so I received it, and not otherwise: and Barker excused it, and said, That Rodolph had procured it for his own credit.

Here was read Barker, ad 29.

Solic. Thus you see the effect of this Letter, and how this was directed to the duke from Rodolph, also by the name of 40, deciphered by Gutbert, and delivered to the duke by Barker. The duke received it and read it, and said, Rodolph hath been at Rome, I perceive there will nothing be done this year. By this it appeareth, that he reproved not Barker at all for bringing it unto him, for Barker brought it him twice: would he have brought it him the second time, if the duke had been angry with him for it at the first?

Duke. I knew not at the first time what it was, for it was in Cipher.

Then was read Barker's Confession to the eighth.

Duke. Barker is not of credit, he accuseth me falsely.

Solic. He was your servant, and of near place and credit about you; why should he accuse you wrongfully?

Duke. He was not of credit about me; for I used him not this 14 years.

Solic. That is not so, as hath well appeared. Besides this, the conveying away of Gutbert, which was done by your means, and who deciphered this Letter, and could have disclosed the matter, proveth a great guiltiness.

Duke. He was conveyed away at his own request made, and not for my safety.

Solic. You caused him to be conveyed away, and were privy to his conveying.

Duke. Barker removed him: indeed I was not privy.

Solic. You moved Bowes to join with Barker to do it.

Then Mr. Solicitor said farther to the peers; I have also, my lords, one thing more to say to you from the queen's majesty's own mouth: The lords that be here of the privy-council do know it very well, not meet here in open presence to be uttered, because it toucheth others that are not here now to be named; but by her highness's order, we pray that their lordships will impart it unto you more particularly. In Flanders, by the ambassador of a foreign prince, there the whole plot of this Treason was discovered, and by a servant of his brought to her majesty's intelligence; the minister not meaning to conceal so foul and dishonourable a practice, gave intelligence hither by letters, and hath therein disclosed the whole Treason in such form as hath here been proved unto you: wherefore I refer the more particular Declaration thereof to the peers of the privy-council.

Then began Mr. Wilbraham, Attorney of the Wards, and said to this effect:

Wilbraham. There is yet something unspoken, it consisteth in two points, I will be short in both. The matters are plain, and easy to understand. Let my lord answer, and your lordships shall easily judge of them. Here have been set forth before you the imagining and practising of the Deprivation and Death of the queen's majesty, with bringing in of Strangers into the realm to invade and levy war, with the appurtenances both miserable and many. This request I am now to make, that for proof of these Treasons, that I will intreat you to have in memory what hath before been said; for though the Proofs of these Treasons we divide to several parts, for ease and shortness, as the seeking of the Marriage, Rodolph's Voyage, the success thereof, and the Residence that remaineth, ought all to be compared together; any one appearing plainly true, giveth credit to the rest. The queen's majesty's proceeding in this Trial is very honourable, mild, and gracious: the Confessions have been made by the parties freely, without torture or constraint. You shall see each of them, and each part so prove the other, as the whole shall be clearly out of doubt; where the earl of Northumberland and his wife, the earl of Westmoreland, Richard Norton, and others in the north parts raised Rebellions, and levied open War against the queen's majesty within her realm; and being overthrown by the queen's power fled into Scotland, and there were received by the duke of Chastelleroy, the lord Harris, the lord Hume, the lord Buccleugh, and others, and by them were comforted and detained against the queen's majesty, requiring to have them delivered. Her majesty being denied to have them restored, published and proclaimed open War against those Detainers of her Rebels, and appointed the earl of Sussex, her lieutenant-general, with an army to invade Scotland, and there to pursue those her enemies, sparing the rest. He entered into the land, made open war upon them, blew up their houses with powder, wasted their countries,

and drove the Rebels out of Scotland. The one matter now that I am to disclose, is, That the duke of Norfolk knowing all this, yet did adhere unto, comforted and relieved the said Rebels; he procured Money to be distributed to the earl of Westmoreland, the countess of Northumberland, and other of them; and this is manifest Treason. The other matter is, That the duke of Norfolk knowing all this to be true, adhered unto, comforted and relieved the said lords of Scotland, the queen's enemies, receivers and detainers of her Rebels; and this is also Treason. And first for the aiding of the Rebels: after this Rebellion, and their overthrow by the queen's power, they fled into Scotland, (a very bare country) where they were driven to hard shifts, so were they enforced to sue to the Pope for help; they wrote to him, the Scotish queen wrote in their favour to the Pope's Nuncio, the matter was pursued for them by one D. Morton: this Morton was he that was the procurer of the Bull that was sent over against the queen's majesty; this Morton was he that reconciled the earl of Northumberland to the Romish church, by a Bull of Absolution: he went to the Pope on their message; the Pope granted them relief, and wrote Letters in the mean time to comfort them, which were directed thus: 'Thomæ & Carolo Northumbriæ & Westmorlandiæ Comitibus, reliquisque Nobilibus Catholicis partium Borealium Regni Angliæ:' To Thomas and Charles, earls of Northumberland and Westmoreland, and other of the Catholick noblemen of the North parts of the realm of England. Belike, so calling them noble in the fulfilling of D. Story's promise, that by their rebellious Enterprize they were now of Worshipful become Honourable.

Here was read the Effect of the Pope's Letters to the Rebels.

The Letters hereof came to the bishop of Ross; the money was assigned in Flanders; the bishop of Ross sent to the duke of Norfolk for his advice, and for his help to convey the Money to them. The bishop thought it best to have the Money sent by the West-Borderers, where the lord Harris was, and with him Leonard Davis: the duke, for their special displeasures to Leonard Davis, was not willing that Leonard Davis should have part of it; but had more mind to have his brother of Westmoreland relieved, and to that end he devised with Bannister for the sending of the money. In the mean time, behold how that course was interrupted: The queen's majesty had a Treaty with the queen of Scots, wherein one special Article was, That the Rebels should be delivered. This the Scotish queen was loth and liked not to do; she asked the duke of Norfolk's counsel in it; he advised that in no wise they should be delivered, for that were too much against her honour: nevertheless, for that he feared that the Article concerning the delivery of the Rebels might be some stay to such conclusion, as otherwise they might have liked of, he gave advice that the Rebels should depart out of Scotland. Ross wrote to them to that end, and therewith sent them the pope's letters, and so they all departed out of Scotland into Flanders, except only Leonard Davis, who remained with the lord Harris and the earl of Northumberland, who would also fain have been gone if he might; and so by this occasion, and by Bannister's means, was this sending of the money into Scotland disappointed. Then was there another Device taken, to distribute it in Flanders; and because it should not all be suddenly wasted, it was agreed by the bishop of Ross, that it should be distributed monthly.—This Order was opened to the duke by Barker, the duke liked well of it, and willed it to be done accordingly. A man was sent over for this purpose, and the Money distributed. The countess of Northumberland wrote over to the bishop of Ross a Letter of Thanks. Hereupon report was made to the duke, that it was done as he had appointed. Now the duke will ask us, What proof we have hereof? We say, The Confessions of Ross and Barker. Against this he taketh exception; his only answer is his bare denial, and his defacing of their credit. He saith they are Traitors, and have confessed Treason against themselves, and not to be received for sufficient Witnesses against him. This hath been well answered already by my lords the Justices, that by the law they are sufficient Witnesses. You may not stand upon your honour and difference of degree, and thereby limit how far they are to be credited. But now let us examine their credit, and their likeliness to tell truth, and how meet in this case they are to be believed. First, For the bishop of Ross, he is a wise man, he is learned, he is a Bishop, he is an ambassador, a great friend to the duke of Norfolk; so far in credit with the Scotish queen, that he hath been the principal doer of all her affairs; so the fittest man for this Treason, the meetest man to be used in it, since the Scotish queen's Title is the ground of the Treason. Who then but such a man was fit to be used? Who meeter to be heard in such a matter than he? A Scot, a wise man, well acquainted with the matters, well able to deal in them, ever at hand, and every way the meetest man. He was a Scot, say you; the more to blame the duke of Norfolk to deal so with him, against the express commandment of his sovereign upon his allegiance, and against his own faith, submission and promise, and so himself unworthier man to be believed than the Scotish witness. Why should the bishop of Ross accuse him falsly? What should move him to it? He accuseth you, he also proveth it against you; he is the aptest man to know it, the aptest of all other to repeat it. And why will you say he is so oft produced for every matter against you? Surely great cause, great difference between him and all other; he knew all; he dealt in all, and where the rest had every one but his part to play, the bishop of Ross continually kept the stage; he had a long part, he answered all men; when every man brought forth their tallies, he kept

the stocks of all; he speaketh of that he understandeth, he speaketh credibly, he carrieth proof and consent of other. Speaketh he of malice against the duke? That cannot be, the duke never offended him; the duke was ever his greatest friend, and he the greatest friend to the duke, and the chief advancer of the Marriage that the duke so earnestly sought, as most beneficial; he hath in his Confession touched his own mistress, upon whom he depended, to whom he ought no malice; he hath disclosed the treacheries of the pope, him he hath offended, he gets no more benefices at his hand; he hath offended the king of Spain and the duke of Alva, he is fallen out with all his friends, he is fallen from all his commodious hopes by his confession. Besides that, how hath he told it? Not at the first as of malice, and desirous to do the duke a shrewd turn; but with leisure, after other former confessions. He held off, and disclosed nothing, till his face, though it were a face of brass, could no longer withstand apparent truth disclosed by others; except he had been mad and a stark fool, as he is very wise, he would not have thrust himself into all those hardinesses, to tell an untruth to his own so great loss and hindrance. Would he, being wise, for malice to the duke of Norfolk, undo his own mistress the Scotish queen; and bring upon himself the hatred of the duke of Alva, the Spanish king, and the pope; and so lose all his friends, and make them his foes, and indanger himself, and undo himself, with confessing Treason against himself, for only malice of the duke of Norfolk? It cannot be true; I must needs believe him because it is Treason that he speaketh of the man's own faculty: he is a credible traitor. If he had told us a matter of virtue, good life, and true religion, it had been a vanity to hear the bishop of Ross speak; but speaking of Treason, he is the skilfullest man, and meetest to be heard. As for Hickford and Bannister, they be both still in credit, the duke excepteth not against them, and yet they accuse him deeply. For comparison of their Values and Credit, the duke is noble, and these are said not able to spend five marks. What then? Indeed their honour is less, but their understanding is great, and their credit sufficient. Barker is misliked, and counted by the duke not worthy to be believed. It is misliked that he is still brought forth, he is as the base instrument still played on. There is good cause why the duke so continually used him: you must understand that things must be done by means and instruments: the heads need the service of inferior members; the heads do devise, the hands and the feet do put in execution. If the duke of Norfolk should for every Message and matter to be treated with the bishop of Ross, Rodolph, and the Spanish embassador, or other, have himself trotted through dirty Smithfield, and the streets of London, unto Thames street, and other places, it must needs have been wondered at, and would not have been without notable suspicion. But Barker, a sly fellow, sufficient for skill, exercised in the matters, acquainted with the practices, might well go dreaming to all places without suspicion. Sometimes upon a robbery or a shrewd turn done, the length of a foot in the snow, or in the mire, hath betrayed the doer; so the foot may sometimes accuse the head. Barker was one of the duke's secretaries, privy to his greatest affairs, the writer of his Ciphers, the common carrier of ciphered and deciphered letters, the common conveyer and sender of his Messages and Letters between him and the queen of Scots: the duke himself agreeth with them in confessing of sundry circumstances of the matters, which he calleth his errors and inferior faults; with these men he dealt in them himself, gave them credit, therefore it is no reason himself should take from them the credit of their confessions.—But he saith there are but two of them; the fault is in the duke of Norfolk, there are no more, for there are more if they were here, and by the duke's means they are absent: Liggons, Gutbert, and Rodolph could tell it also. The one of them, Liggons, he hath sent away, and findeth him in France. Guthert, as the duke himself hath confessed, the duke hath caused to be carried away. Rodolph is, by the duke himself, sent out of the realm on his message, and not returned, it is no reason that their absence excuse him, for it is not reason that he should take advantage of his own wrong, that hath made them be absent; so their absence must stand for great Testimony against him, and be judged to concur with them that are present, and have confessed.—Rodolph, the greatest Testimony of all, is in person withdrawn; but his Letters speak lively. He hath testified by his Letters against the duke, and of a matter that himself well knew, not constrained, not examined, but with the tenor and course of the proceeding of the Treason, advertising the duke of the answer of his Message. You say he dealt for you in other private matters, not in the Treason: if that were so, then the pope had not given him charge to deal with the Scotish queen, and you; the Scotish queen had not commended him to you; the Instructions had not been so penned; the Answer had not been so returned. But saith the duke, It is true, Rodolph talked with me indeed, he required my Letters to the duke of Alva, for the Scotish queen; he moved me about these matters; but I was angry with him, I would not write by him, I departed from him in anger, and thus in anger away he went. And whither went he? Even strait to the duke of Alva, and from thence to the pope, even to the same places and persons to whom he should have gone for the duke, if the duke had been without anger, best pleased and contented with his Journey. To what intent, and of what Message went he thither? Even the same that the duke said he was angry to be moved of, and refused to write in. What effect hath it? Gentle audience, great promises and agreement to the requests, as if he had travailed not for a man angry with the matter, but most de-

sirous. What Answer returned he? Even the same that accordeth with the Instructions concerning the Treason, the very plat and ground of his Message. He reporteth Questions asked by the duke of Alva, agreeing only with the matter of the Treason, and no private case. Would he have written answer to him that sent him not? Would he have written as to please him with good news of a good audience that sent him not? From whence departed he in anger? He writeth of the course to be kept in execution of the Treason, which he would not have done to him that was angry to hear of it. He braggeth of his 10,000 Walloons, old beaten Soldiers. If the duke of Norfolk had been a true man, and angry with the matter, as he now saith, and done his duty; though they had come, his Walloons, his old beaten soldiers, might have been so new beaten of the old English fashion, as they were never so swinged in their lives.

This Point Mr. Attorney spake with such a grace, such cheerfulness of heart and voice, as if he had been ready to be one at the doing of it; like a hearty true Englishman, a good christian, a good subject, a man enough for his religion, prince and country.

If the duke says it was the Scotish queen's message only, and not his (for advancement of her wrongful Claim by force) he knowing this, Why sought he to marry her against the queen's majesty's will, and to pursue it by force? If he say it was Barker's single device, to send these messages, to procure these Treasons, and work all these mischiefs of his own head; to what end I pray you should Barker do it, but to advance the Marriage of the duke his master, and the Scotish queen? And was this without the duke's privity? Could Barker compel the duke to take a wife at his pleasure? Examine now all these Witnesses, and weigh their credits together; consider them severally, their credits are great; join them altogether, they be much greater, but severally examined, and all according in one, they be greatest of all, and not possible to be false. Add to that the duke's own Confessions of circumstances concerning himself, and their uttering of matters of Treason against themselves; consider the difference of dangers in telling truly or falsely: for if they uttered it, and it were true, then stood they but in danger of their bodily life; if they should falsely accuse, yet that accusation suffering against themselves for treasons, they lost both body and soul, in falsely accusing others. The duke was their master, they his servants, and his true servants, and such as were to gain by his prosperity; would they untruly accuse him, the stay of their preferment? For though they be traitors, and howsoever they be otherwise without credit, yet against the duke of Norfolk they are well to be believed.

Now on the other side consider the duke's own credit, which he hath by his own doings impaired and made inferior to these of lower degree: You have heard of his oath especially taken for the Commission at York, to deal truly and sincerely; he kept it not, he so dealt as if an oath were of no great weight with him. His oath of a counsellor he hath broken, both in disclosing of secrets, and in giving advice to a foreign prince, and a competitor of the queen's crown against the queen's majesty his sovereign lady. Now may it not be that these men of mean degree and value, against whom it is not alledged that they have been at any time perjured may be produced and credited against him that hath so little esteemed his oath? I have heard also, that there was an oath wilfully taken upon a bible, in denying of things laid to his charge, and yet the matter found true, and by himself within a short space confessed: so that his oath, his hand, and his word, bear no sway with him.—He submitted himself, he subscribed his Submission, and sealed it; he added solemn promises upon his faith and allegiance, not to proceed in the marriage between the Scotish queen and himself: but he kept not touch, he broke promise also, and yet he saith his hand, mouth and heart go together. If they go together in the right way, it is well; but when they go together in untruth, it is evil and dangerous: therefore it is not for my lord of Norfolk to stand so much upon the discrediting of the Witnesses, and advancing of his own credit, which himself hath so much decayed. Now I will go to the Proof.

Duke. I shall hardly come, after so smooth a tale as Mr. Attorney of the Wards can tell; yet one good proof I have to my comfort, that they be as please your lordships to weigh them. If you would not have dealt thus untruly with me, I would not have taken exception against them, though I chiefly challenge none but Barker, in whom you may see what fear may do; besides that they have confessed themselves Traitors, and so men of no conscience or credit. It is well known that Barker's stomach is nothing; he hath been known well enough. Fear hath done much in him. The bishop of Ross is also a fearful man. As touching Barker and the bishop of Ross, Bracton hath a saying, That witnesses must be freemen and not traitors, neither outlawed nor attainted.

Catlin. None of them be outlawed, attainted, or indicted.

Duke. I mean not that they were indicted, but they be in as ill case, for they have confessed themselves Traitors. He saith also, they must be *legales*, lawful men, and so cannot strangers be, as the bishop of Ross and Rodolph; it is these strangers that charge me only; the other having dealt so disloyally and confessed it against themselves, are not to be believed. As for Barker, I have not used him for my secretary these 13 years: he entered with the bishop of Ross, and dealt with him in these matters against my knowledge.

Catlin. Bracton indeed is an old writer of our Law, and by Bracton he may be a Witness; a stranger, a bondman may be a witness: ask you all the Judges here.—And the Judges affirmed that he may.

Duke. If a Stranger be to give Evidence whereby lands should be recovered, you shall not recover upon that Evidence given by a Stranger.

Wilbraham. This were a strange device, that Scots might not be Witnesses; for so, if a man would commit Treason, and make none privy but Scots, the Treason were unpunishable; and so were a kind of men found out, with whom a man might freely conspire Treason.

Duke. You say my Indictment is only upon the statute of 25 Edw. 3. That statute standeth upon three points, compassing the Death of the prince's person, levying of War against the prince, and aiding of the prince's enemies; and all these must be proved overt-fact. If by any way, by any overt-fact, you can prove that I have directly touched the prince's person, or done any of the said things that the statute extendeth to, I will yield myself guilty. If any thing be doubtful, the Statute referreth it to the judgment of the parliament.

Catlin. Usage is the best expounder of the law, that is, the common use how the statute hath been taken and expounded; and the same statute is but the declaration of the common law.

Duke. The preamble of the Statute is to bring the laws of treason to a certainty, that men may certainly know what is treason.

Attorney-Gen. You complained of your close keeping, that you had no Books to provide for your Answer; it seemeth you have had books and counsel, you alledge Books, Statutes, and Bracton; I am sure the study of such books is not your profession.

Duke. I have been in trouble these two years, think you that in all this time I have not had cause to look for myself?

Attorney-Gen. But if you stand still upon proof, whether you have done any thing to the destruction of the prince's person, if the lords upon the Evidence already produced, do think the matters true in fact that are already alledged against you, surely the same must needs be construed a compassing of the queen's Death; for the Law of Treason hath ever been largely construed for the prince's safety. Think you that practising to levy War within the realm is not Treason? Yes, indeed is it; and a compassing of the prince's Death. Sir William Stanley's Case was this: he did but send Clifford over sea, to hearken and send him word what Perkin Warbeck was; that if he thought Perkin was such a man as he was said to be, he would take his part. This was Stanley's Case, and this was judged Treason, and a compassing of the king's Death.

Here was read Barker's Confession the 6th of November.

Duke. I never dealt with that Money, nor heard of it; I dealt not at that time with Barker, nor heard any thing of the rebels, since they went into Flanders.

Then was read the bishop of Ross's Confession of the same matter, 6 November, ad 5. And again Ross, 6 Nov. Fo. Also Ross, 29, of 1700 crowns sent by Moreton's means, and what Moreton was.

Wilbraham. You hear how the Money was procured; how it was distributed by the duke's order, and Thanks written by the countess of Northumberland for the receipt of it, which was also declared to the duke. You shall hear, that after the practice of the Marriage, it was a general rule between the Scotish queen and the duke, That the bishop of Ross should never propone to the queen's majesty's council, nor deal in any great matter, but by the advice and directions of the duke of Norfolk.

Here was read, for the proof thereof, the bishop of Ross.

Wilb. This is a plain course.

Duke. What doth this make against me?

Wilb. That he followed his Commission, that he kept his manner of conference continually, and that according to that use, the Money was distributed by your directions.

Duke. He dealt not with me in a great time, and I can tell when he broke off and dealt no more with me; I was never privy to the distribution of the Money, nor I never spake with Barker about it; I was in the Tower at that time.

Wilb. That was when you were not in the Tower; they lurked in Flanders a while in great necessity, without apparel, and suddenly, with this money, they were waxed gay; and these men have confessed that it is distributed by your order and direction.

Duke. None accuse me but three, one absent, a stranger, and a traitor.

Wilb. And if every one that is privy to Treason must be refused for Witnesses, then should no treason be proved; for none can tell it but they that be privy, and all such are guilty.

Now to the second point, That you adhered to, and aided the Scotish Lords, the queen's majesty's Enemies, and Maintainers of her Rebels. The Rebels, after their flying into Scotland, were there received by the duke of Chastelleroy, the lord Harris, the lord Hume, the lord of Buccleugh and others; and being there, they entered again of new into the realm, and made new roads, and burned and wasted England with fire and sword. These Scots, that thus assisted the Rebels, the nobles of Scotland that remained in amity with the queen's majesty, went about to suppress. The queen's majesty proclaimed open War against them; she appointed my lord of Sussex her Lieutenant, with a strong army to invade them, and to pursue both the rebels and the said Scots that were her enemies. This my lord of Sussex pursued, made open war upon them, burned their towns, houses, corn and goods, blew up their castles with powder, and kept good peace with the rest: So were they published the queen's enemies, both by Proclamation, which is here ready to be shewed, and by open war itself, the best proclamation of all. The queen's power there tarried a great while, some came home, some remained still in Hume-castle, and other places,

These thus known the queen's enemies, and so published, the Scots that were the queen's friends did still pursue so far, that the said Scotish queen hearing thereof, complained to the duke of Norfolk, viz. How she had no aid from France, and if none came at all, her friends in Scotland must of force be constrained to yield: She prayed the duke of Norfolk's advice. The duke made answer, and Hickford wrote it to the Scotish queen, That she should procure the French ambassador's letters to them in Scotland, to put them in some good hope, that they might hold out a while till aid come. The Scotish queen accordingly wrote to the French embassador M. de la Mot; he by and by wrote six letters to the lord Harris and other lords of Scotland, with fair and comfortable promises. The pacquet of these letters were sent to the duke, he had it, he caused it to be sent with a letter to Bannister, to convey it to Lowther upon the west borders of Scotland, and that Lowther should convey it over to the lord Harris. Hickford, the duke's secretary, delivered this French pacquet, and the other letter to Henry the duke's footman, who carried it to Bannister, and Bannister sent it to Lowther, by Colborn, his servant: and to dissemble the cause of his servant's going, and to know some certainty, whether it came to Lowther's hand or no, Hill feigned a privy token between him and Lowther, about the gathering of the rent of the lord Dacre's lands. Lowther sent over the pacquet, and returned answer to Bannister, that he had sent it to the lord Harris, and willed Colborn to tell him, which was their privy token, that though it were troublesome, yet he would gather up the rents for him.

Here was read Barker's Confession, 14 Sept. That in July last he received the pacquet, &c. —Also, Hickford's Confession the same day, with a great Protestation why he confessed not at the first, but tarried till Barker had disclosed; because he would not be counted a betrayer of his master.

Wilbraham. You hear how Barker bewrayeth it; you hear also how Hickford himself confesseth it: and in what manner, I pray you, do they disclose it? they make no haste to accuse the duke, but all by leisure; and Hickford maketh it a matter of great conscience, to utter it against his master: and here is a lesson meet to be learned of all servants. Many supposed it a Treason and foul offence to utter their master's treasons; they must otherwise think it is a dangerous opinion.

Duke. I challenge not this man.

Then was read Hickford's Examination, 11 Oct. Also Bannister, 17 Sept. 21. The same Bannister, 29 Nov. pa. Also Bannister, 28 and 29 Sept. ante 5, and 6.

Wilb. Thus it appeareth, that those the Scotish queen's friends in Scotland, for whom she sorrowed and feared their yielding, were the queen's majesty's enemies; and how to those the duke adhered, those he comforted, for those he procured the comfortable Letters to be sent, as you have heard.

Duke. I confess it, that I caused the Letters to be sent, but that I procured the Letters to be written, I remember not; but therein I trust Bannister's memory.

Wilb. Now for sending Money to relieve the queen's majesty's enemies, and touching the 6,000*l.* the French embassador had 1,400 crowns ready to relieve them, which he sent to the Scotish queen, to know how it should be bestowed. She would have had the duke to make it up 3,000 crowns; she sent 1,000 more herself, and referred the direction of all to the duke himself. The duke having the chief charge of all, willed 2,000 crowns to be conveyed to the queen's majesty's Enemies in Scotland. The bishop of Ross had devised, that it should be sent sewed in Panton's doublet. The duke was made privy to do it on the Sunday after Bartholomew-day: because Panton was a Scot, and like to be searched, this device was misliked, so was the money delivered to Brown of Shrewsbury; and so he rehearsed the manner of the delivery to Brown, and the Letters in Cypher, as it was afore rehearsed by Mr. Attorney-General.

Duke. I received the Money at Thambour's hands; I was not by at the writing of the Letter in Cypher.

Wilb. I said not so.

Then was read the Letter to Bannister: 'you shall receive a bag by this Bearer, &c.'

Duke. I do not deny the conveying of the Money; but it never came to the queen's Enemies hands.

Wilb. It was out of our possession; Panton was sent before to receive the Money.

Duke. Not of my knowledge. And as for Grange and Ledington, I have not heard they were the queen's enemies.

Wilb. That is no matter; for the Indictment is generally of the queen's Enemies, and you know the Money went to the lord Harris.

Duke. Lord Harris was not appointed to have any part of it.

Wilb. This is no matter, it was a comfort to him, being the queen's Enemy, to be the Factor, and to have the countenance and distribution of it at his pleasure: beside that, you may be sure he would not let all pass without some share to himself.

Duke. May a subject be the queen's majesty's Enemy, while the prince is her friend, and in amity with her?

Catlin. In some cases it may be so: As in France, if the dukedom of Britany should rebel against the French king, and should (during the amity between the French and queen's majesty) invade England, those Britons were the French king's subjects, and the queen's enemies, though the French king remaineth in amity; and so in your case.

Duke. Where was the Proclamation made?

Wilb. The Proclamation was made in England, and here it is to be shewed; but the war itself is sufficient Proclamation. The queen's army was sent against him, and the queen is not otherwise bound to proclaim.

Duke. I trust my lords the peers will have consideration of me, who they be that acouse me, the bishop of Ross and strangers; and the rest over-reached in Treason themselves.

The Lord Steward asked if they had aught else to say. The duke said, I trust to God and my truth. Then the prisoner was withdrawn.

Then the Serjeant made an O Yes,! saying, 'My lord grace the queen's commissioner, high-steward of England, chargeth all men to keep silence upon peril of Imprisonment.'

Then the Lord Steward spake to the lords, and willed them to go together.

Note, That the Money was taken up by the way.

Then the Lords withdrew themselves into a place prepared in the Chancery Court for consultation, and the prisoner was withdrawn. The Lords continued in consultation an hour and a quarter; the Lord Steward still remained in his seat. After an hour and a quarter, which was immediately after eight of the clock at night, the Lords came again upon the Scaffold, and took their places, as they were afore; and then the Lord Steward demanded of every of them severally, sitting in their places, beginning at the youngest baron, in this manner:

'My lord De la Ware, What say you, Is the prisoner guilty of these Treasons or not?' And they all severally answered in Order and Form following:

L. La Ware, Buckhurst, St. John of Bletshoe, North, Rich, St. John, Mordant, Burghe, Wentworth, Sandes, Mountjoy, Grey of Wilton, Burleigh, Howard, Hereford, Leicester, Hertford, Pembroke, Bedford, Warwick, Huntington, Sussex, Worcester, Kent, GUILTY.

Then the Lieutenant was, by the Serjeant, commanded to bring again the prisoner to the Bar, which he did.

Then the Lord Steward said thus: 'Thomas duke of Norfolk, thou hast been heretofore indicted of High Treason, and hast been arraigned upon the same, and hast pleaded Not Guilty, and hast put thyself upon thy peers; the lords, thy peers, have found thee Guilty: What hast thou to say, why I may not proceed to judgment?' The duke answered, 'The Lord's will be done, God be judge between me and my false accusers.'—Then the axe was turned the edge towards him.

Then stood up Mr. Serjeant Barham, and said, 'It appeareth that Thomas duke of Norfolk hath heretofore been indicted of High-Treason, and now hath been arraigned upon the same, and hath pleaded Not Guilty, and hath put himself upon his peers; now the lords his peers, upon consideration of the Evidence shewed forth to prove the indictment, have found him Guilty. I am most humbly to pray of your grace Judgment against him for the queen's majesty, according to the Verdict.'

Then said the Lord Steward: 'Thomas duke of Norfolk, whereas thou hast heretofore been indicted of High-Treason, and hast been arraigned upon the same, and hast pleaded Not Guilty; and hast put thyself upon thy peers and the lords thy peers have found thee Guilty: Wherefore thou shalt be had from hence to the Tower of London, from thence thou shalt be drawn through the midst of the streets of London to Tyburn, the place of execution; there thou shalt be hanged, and being alive thou shalt be cut down quick, thy bowels shall be taken forth of thy body, and burnt before thy face, thy head shall be smitten off, thy body shall be divided into four parts or quarters; thy head and thy quarters to be set up where it shall please the queen's majesty to appoint; and the Lord have mercy upon thee.'

Then the duke said, "This is the Judgment of a Traitor, and I shall die as a true man to the queen, as any liveth:" knocking himself hard upon the breast, he said, "I will not desire any of you all to make any petition for my life; I will not desire to live, I am at a point. And my lords, seeing you have put me out of your company, I trust shortly to be in better company: only I beseech you my lords, to be humble suitors to the queen's majesty for my poor orphan children, that it will please her majesty to be good to my poor orphan children, and to take order for the payment of my debts, and some consideration of my poor servants; for I am at a point. God doth know how true a heart I bear to her majesty, and how true a heart to my country, whatsoever this day hath been falsely objected against me. Farewell, my lords."

Then the Lieutenant was commanded to avoid his prisoner; which thing was done. Then the serjeant made an O Yes! and proclaimed thus; 'My lord's grace, the queen's commissioner, high steward of England, chargeth all persons to depart in God's peace and the queen's, and hath dissolved his Commission.' And therewith the Lord Steward standing up afore his chair, broke his rod in the midst, and the people cryed, *God save the Queen.* Amen.

The Duke's Execution.

On the 2d of June 1572, about eight in the morning, the Duke was brought to a Scaffold erected on Tower-hill, attended by Alexander Nowel, dean of St. Paul's, who having desired the people to keep silence, the duke said:

"It is not rare, good People, to see a man come to die; although, thanks be to God, since the beginning of the queen's majesty's reign in this place hath not been any; such hath been, and is the mercifulness of her majesty, whom God long preserve. But since it is my fortune to be the first, I pray God I may be the last. You know I have been long looked for in this present Case of mine, divers times in this place; but by her majesty's clemency prolonged hitherto.* It is not common

* Cambden says, that so many designs were set on foot to deliver the duke of Norfolk out of the Tower, as hastened his Execution, which had been put off for near four months. In fine, the duke was beheaded on a scaffold, on

to see a man of my vocation to be a speaker; nevertheless I will be brief, and gladly shew you the estate of those Offences which my conscience doth burden me for. I have been by my peers found worthy of Death, whereof I do acquit them; for I come not hither to justify myself, neither yet to charge my peers with injustice, but rather submit myself to this which God hath prepared for me. And thus considering the weakness of my flesh and blood, that at such a time a man's senses will partly fail, I do mind to divide my Speeches into three parts, desiring you to take it full and whole, and not to tear it in pieces.—And first, in dealing in matters temporal towards the queen of Scots, I dealt not as a good subject, for that I made not the queen's majesty privy thereunto, which indeed I confess I ought to have done; for this Offence I was committed to this house (pointing to the Tower) and, upon my humble Submission, delivered; then making Promise to the queen's majesty (whom I pray God long to prosper) never to deal in those matters again: But contrary to my Submission and promise made to the queen's majesty, abusing her clemency towards me; which hath and doth grieve me more than any one thing hath done; I dealt in this matter again, perfectly for saving my life, and other causes which I could alledge."

[Here Mr. Sheriff Branch, standing by the Duke, desired him very courteously to make an end as short as might be, for the time did spend.]

Then the duke beginning again, said, "It hath been bruited, that I took my Oath, and received the Sacrament, that I should never deal in those matters again; which is untrue; and yet the Oath too much.

[Now Mr. Christopher, one of the Officers, hearing these Words, desired the Duke to be short: We are come hither, said he, to see you put to Execution, and we must not delay while these Speeches pass from you, for in this we hazard our lives.]

Then the Duke said, "I do not excuse myself, but I come to discharge my conscience, and to acquit my peers, and not to complain of any injustice, for I have deserved this, and more a great deal, in that I have abused the queen's majesty's mercy towards me; whom once again, with hands lifted up, I pray God long to preserve and reign over you, and that my death may be an end of all troubles. And to augment my fault, it is said I had familiarity with evil dealers: Indeed I will confess and tell you, that I never saw, nor never had conference, but once with one Rodolph, and yet never against the queen's majesty, God is my judge; although many lewd offers and motions were made to me; for it is well known I had to do with him, by reason I was bound to him by Recognizance for a great sum of Money. And as for the two Letters that came from the pope, I confess I did see them, the one ciphered, the other deciphered; I never consented to them, neither was I consenting to the late Rebellion in the north, notwithstanding I come not hither as unguilty.—To the second Part, I know I have not only been thought to be a papist, but a Favourer of papists, and a Maintainer of them. God is my Judge, before whom I stand, (lifting up his eyes), I thank God I was never a papist since I knew what Religion meant; but I did always detest Papistry, and all the vain toys thereof, embracing ever, from the bottom of my heart, the true Religion of Jesus Christ, trusting, by the assurance of faith in his blood, that he is my only Redeemer and Saviour: Indeed I must confess that I had servants and friends that were papists; but if thereby I have offended God's church, or any Protestant, I desire God and them to forgive me.—Well, now to the third Point, wherein I am to shew how much I am bound to the queen's majesty for her mercifulness towards me, in that her majesty hath promised to be good and gracious to my poor children. I remember good father Latimer making a Sermon in a more honourable place than this is, out of the pulpit, neither do I compare myself to him, he said, 'That God did often-'times take away a good and gracious prince, 'for the sins and disobedience of his subjects;' which God grant not to be in these days, but that it will please God to continue and increase her majesty's years; yea, until the world's end, if it be his blessed will and pleasure. You have a most gracious queen, as I must needs confess, and also godly Religion; therefore look that your livings and conversations be answerable to the Religion of Christ that proves you; that God may prosper the prince, overthrow the pope, and maintain your wealth and quietness. Let not my person, good people, make my Speech worse; they that have factions, I speak not particularly, but generally, let them beware they be given over betimes; seek not to breviate God's doings, lest God prevent yours."

And then the Sheriff hastening him, he turned to the People, and embracing sir Henry Lee, said, "I have, and always have had as true a heart to my prince as ever any subject hath had." And so sir Henry Lee staying him by the left arm, he kneeled down and asked the queen's Forgiveness; and rising again, he embraced Mr. Dean of Paul's with a chearful countenance; and afterwards for the most part shaking those that were on the scaffold by the hands, and desiring them to pray for him; amongst the rest, the Executioner did on his knees desire forgiveness of his death, who did very courteously forgive him, and put into the hand of the Executioner four sovereigns of gold, and eighteen shillings and six pence of silver. This done, the duke kneeling down,

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Tower-hill, June the 2nd. He died with great courage and magnanimity amidst a vast crowd of sorrowful and weeping spectators; for it is incredible, says our author, "how dearly he was beloved by the populace, whose good-will he had gained by a munificence and affability suitable to so great a prince."

and the dean of Paul's with him, he made his Prayers to God, and read the 51st Psalm, saying on to the last Verse save one, viz. Build up the Walls of Jerusalem; he paused and said, 'The Walls of England, good Lord.' That Psalm finished, he began to read another; and at the seventh Verse of the Psalm, he paused and said, I had almost forgotten, but not too late; I ask all the world forgiveness, and I forgive all the world. The Psalm finished, and other prayers; he said, *In manus tuas, Domine, commendo spiritum meum*, Lord, into thy hands I commend my spirit. Then he arose up and pulled off his velvet gown, his black satin doublet, and his velvet night-cap, and gave them to the Executioner; and being in a white fustian waistcoat, he said to Mr. Dean of Paul's, This is the white satin doublet I made to die in, which the Preacher did speak of; and so kneeling at the block, he laid down himself, and rose again, and laid the straw and other things in such sort, as he might in a more convenient manner yield himself for the speedier Execution. This done, his eyes and hands lifted up, Mr. Dean desired the people's silence, and said, Now all together, with one voice, pray for him, saying, 'Lord Jesus receive thy soul.' The Duke yielding himself to the block, refusing to have any handkerchief before his eyes, his head was at one chop cut off, and shewed to all the people; and afterwards his corpse was put into a coffin appertaining to Barkin church, with the head also, and the burial-cloth laid over him, and so was carried by four of the lieutenant's men, and was buried in the chapel of the Tower by the Dean of St. Paul's.

Here follows the Latin Indictment.

Per Indictamenta Michael' xiij. et xiiij. Elizabeth' Regine.

"Midd'

"Inquisitio capt' coram d'na Regina apud Westmonaster' die Jovis proxim' post octabis sancti Martini anno Regni d'ne Elizabeth' Dei gratia Anglie Frauncie & Hibernie Regine fidei defensoris, &c. quartodecimo per sacr'm Thome Gresham Militis Thome Chamberlen militis Will'mi Hollis militis Francisci Newdigate armiger' Will'mi Hawtree armiger' Will'mi Wrightman armiger' Thome Higate armiger' Johannis Marshe armiger' Will'mi Clarcke armiger' Anthonii Colclothe armiger' Edwardi Osborne armiger' Johannis Iseham armiger' Robarti Burbage armiger' Ric' Bellamy armiger' Thome Norwod armiger' Jasper Leake armiger' & Galfridi Walkaden armiger'. Qui dicunt supra sacr'm suum qd Thomas Dux Norf'k nuper de Remynhall in Comitatu Norf'k ut falsus proditor contra illustrissimam et christianissimam Principem d'nam nostram Elizabeth' Dei gratia Anglie Francie et Hibernie Reginam fidei defensorem et sup'mam d'nam suam timorem Dei in corde suo non habens nec debit' legianc' sue ponderans sed instigatione diabolica seduct' cordialem dilectionem et veram debitam obedienc' quas veri et fideles subditi dicte d'ne Regine erga ipsam d'nam Reginam gererent et de jure gerere tenent' penitus subtrahere delere et extinguere intendens vicesimo secundo die Septembris anno regni d'ce d'ne n're Elizabeth' Regine nunc xi ac diversis aliis diebus et vicibus antea et postea apud Charterhouse in Comitatu Midd' falso malitiose et proditorie conspiravit imaginat' fuit circu'ivit et compassavit d'cam D'nam Reginam sapremam d'nam suam non solum de regali statu tit'lo potestate et regimine Regni sui Anglie penitus deprivare deponere dejicere et exhereditare veram etiam eand'm d'nam Reginam ad mortem et finalem destructionem adducere et ponere: Ac seditionem in dicto regno Anglie suscitare levare et facere ac etiam stragem miserabilem inter subdit' dicte d'ne Regine per totu' Regnu' Anglie gen'are et causare, ac insurrectionem et rebellionem versus d'cam d'nam Reginam supremam et naturalem d'nam suam procurare et suscitare, ac guerram publicam et acerrimam infra hoc Regnum suum Angl' contra ipsam d'nam Reginam suscitare levare et habere ac gubernationem ejusdem Regni et sinceram Dei religionem in eodem Regno recte et pie stabilit' pro voluntate et liberto suis mutare et alterare necnon statum totius reipublice per universas suas p't' bene institut' et ordinat' totaliter subvertere et distruere et diversos extraneos et alienigenos non existent' subdit' dicte d'ne Regine ad hoc regnum Angl' hostiliter invadend' et guerram acerrimam versus eandem D'nam Reginam in eodem Regno levand' suscipiend' et faciend' incitare procurare et inducere: Et ad illa nequissima et nephandissima proditoria imaginationes compassa'cones inten'cones et proposit' sua pred'ca perimplend' et perficiend' ip'o idem Thomas Dux Norf'k sciens et perfect' intelligens Mariam nuper Scotorum Reginam clamasse et pretendisse tit'lum et int'esse ad presentem possessionem et statu' imp'alis Corone hujus Regni Angl' Sciensque et perfecte intelligens qd predicta Maria nuper Scotorum Regina preantea falsissime nequissime et injustissime asseveravisset et affirmasset qd prefat' d'na n'ra Regina Elizabeth' nullum jus neque titulum ad Coronam hujus Regni Angl' h'uit. Et etiam sciens perfecteque intelligens qd prefat' Maria nuper Scotorum Regina falsissime nequissime et injustissime usurpasset stilu' titulum et Regine nomen hujus Regni Angl'. Et qd ipsa prefat' Maria nuper Scotorum Regina scripsisset et no'iasset seip'am in divers' suis Script' Reginam Angl': Et quod ip'a ead'm Maria nuper Scotorum Regina gerisset et conjungisset arma hujus Regni Angl' cum armis Regni Scotie tam in Sigillis et vasibus suis argenteis q'm in aliis rebus sine aliquali differens' sive distinctione. Et insuper sciens perfecteque intelligens quod dicta Maria nuper Scotorum Regina non revocasset nec renunciasset iniqua et injusta clam' et usurpac'oes sua pred'ca xxiii die Septembris anno regni d'ce d'ne Elizabeth' nunc Regine Anglie xi ac diversis aliis diebus et vicibus antea et postea apud Charterhouse pred'cam in Com' Midd' predict' falso subdole et proditorie querebat

et conabat sine assensu et agreament' prefat d'ne n're Elizabeth' Regine supreme d'ne sue seip'm conjungere et in Matrimonio copulare cum prefat' Maria nuper Scotorum Regina. Et eisdem de causa et propo'ito ip'e idem Dux pred'co xxiii die Septembris anno undecimo supradicto et diversis aliis diebus et vicibus antea et postea apud Charterhouse pred'cam in Com' Midd' predict' falso subdole et proditorie scripsit diversas literas ad prefatam Mariam nuper Scotorum Reginam et tam easdem l'ras quam diversa signa et pignora voc' Toakens ad illam prefatam Mariam nuper Scotorum Reginam pred'co xxiii. die Septembris anno undecimo supradicto et diversis aliis diebus et vicibus antea et postea falso subdole et proditorie missit. Necnon eodem xxiii. die Septembris anno Regni d'ce Regine xi. supradicto et diversis aliis diebus et vicibus antea et postea apud Charterhouse pred'cam in Com' Midd' predict' falso subdole et proditorie mutuo dedit et accommodavit tam prefat' Marie nuper Scotorum Regine quam amicis et adherentibus suis plures et diversas magnas pecuniarum summas: Necnon a prefat' Maria nuper Scotorum Regina pred'co xxiii. de Septembris anno Regni d'ce d'ne Elizabeth' Regine undecimo supradict' et diversis aliis diebus et vicibus antea et postea apud Charterhouse pred'cam in Com' Midd' predict' diversas literas ac diversa signa et pignora vocat' Toakens falso subdole et proditorie recepit et h'uit licet prefat' Dux tunc antea per prefat' d'nam Elizabeth' Reginam super debit' legianc' sue sp'ialit' prohibitus et vetitus fuit quod nullo modo intromittet sive tractaret de maritagio cu' prefat' Maria nuper Scotorum Regina faciend' licet etiam prefatus Dux per diversas litteras et instrument' manu propria ip'ius Ducis script' et per prefat' ducem d'ce d'ne Elizabeth' Regine supreme d'ne sue missa et exhibit' preantea prefat' maritagium penitus recusasset et renuntiasset protestans et affirmans se in eodem maritagio nunquam intromissurum sive aliqualit' processurum: Et etiam iidem Jur' ulterius super sacr'm suum pred'c'm presentant et dicunt quod cum Thomas Comes Northumbr' nuper de Topclif in Com' Ebor' et Anna uxor ejus, Carolus Comes Westmerl' nuper de Branspeth in Comitatu Dunelm', Richardus Norton nuper de Norton Conyers in Comit' Ebor' armiger, Thomas Markenfeild nuper de Markenfeld in dict' Com' Ebor' armiger, simul cum aliis falsis proditoribus rebellatoribus et inimicis publicis d'ce d'ne Regine Elizabeth' Deum pre oculis suis non habentes nec debitum legiantiar' suarum ponderant' sed Instigatione diabolica seduct' machinantes devisantes et conspirantes d'cam d'nam Reginam Elizabeth' de regali Statu titulo et potestate Regni sui Angl' dejicere et disherediare, necnon eand'm d'nam Reginam ad mortem et finalem destructionem adducere et ponere ea intentione ut illas proditiones conspirationes et imaginationes suas perimplerent et ad effectum redigerent decimo sexto die Novembris anno Regni d'ce d'ne Regino nunc undecimo ap'd Rippon in d'co Com Ebor' contra dictam d'nam Reginam supremam D'nam suam ex eor' co'i propo'ito et assensu cum magna multitudine gentium ad numerum quatuor mille homin' et ultra modo guerrino armati et arraiat' seip'os illicite falso et proditorie insimul congregaver' et assemblaver' ac guerram publicam et acerrimam versus dictam d'nam Reginam Elizabeth' supremam d'nam suam apud Rippon predictam dicto xvi die Novembris anno undecimo supradicto falso et proditorie paraver' ordinaver' et levaver', De quibus omnibus et singulis proditionibus rebellionibus et conspirationibus pred' cisdicti Thomas Comes Northumbi' et Anna uxor ejus, Carolus Comes Westmerl' Richardus Norton, et Thomas Markenfelde cum aliis dictorum falsorum proditorum et rebellatorum predict' per debit' legis formam legitime indictat' et postea superinde legitime utlagat' et attinct' fuer et adhuc existunt prout per seperal' record' inde in Cur' d'ce d'ne Regine nunc coram ip'a Regina remanen' plene liquet de record' cumque post perpetrationem et commissionem nequissimarum proditionu' predictarum in forma pred'ca per ip'os factaru' et commissarum predicti Thomas Comes Northumbr' et Anna uxor ejus, Carolus Comes Westmerl', Richardus Norton et Thomas Markenfelde, ac quamplures alii falsorum proditorum et rebellatorum predict' 20 die Decembris anno Regni d'ce d'ne Regine nunc undecimo pro proditionibus illis extra hoc regnum Angl' in regnum Scotie fugier' et recesser' et ib'm per quosdam proceres et magnates dicti regni Scotie scil't per Jacobum Ducem Chastle le Roy, Comitem de Huntley, D'num Harris, D'num Hume, D'num de Buclughe et D'num de Fermburste, et alios Scotos Subditos d'ci Regni Scotie existen' recept' auxiliati et confortati fuer', ac de eadem d'na Regina Elizabeth' detent' in et versus quos proceres et magnates pred'cos d'ci Regni Scotie eadem d'na Elizabeth' Regina postea pro eadem causa per prenobilem Thomam Comitem Sussex ejusdem d'ne Regine in partibus borealibus locu' tenen' suum generalem cum potenti et forti exercitu armatorum hominum apertam et publicam guerram proclamavit levavit et fecit, tanquam versus hostes et inimicos suos et regni sui Anglie, rac'one cujus guerre prefat' Carolus Comes Westmerl' Anna uxor dicti Thome Comitis Northumbr' Richardus Norton et Thomas Markenfielde a predicto Regno Scotie usque Antverpia in partibus Brabantie fugier' recesser' et transferaver', ac ib'dem Carolus Comes Westmerl' Anna uxor dicti Thome Comitis Northumbr' Richardus Norton et Thomas Markenfeilde contra legiantiarum suarum, debit' morabant' in manifestum contempt' d'ce domine Regine nunc et legum suarum, Pred'cus tamen Thomas Dux Norf'k premissorum non ignarus sed ea omnia et singula in forma pred'ca bene et perfecte intelligens et sciens 6 die August' anno regni d'ce d'ne Elizabeth' Regine duodecimo supradicto apud Charterhouse pred'cam in Com' Midd' predict' ac diversis aliis diebus et vicibus antea et postea pred'co Carolo Comiti Westmerl' ac pre-

fat' Anne uxor predicti Thome Comitis Northumbr' diversas pecuniarum summas pro auxilio adjument' relevamine conforta'cone et supportatione suis mitti delib'rar' et distribui falso et proditorie procuravit et causavit, Et insuper quod idem Thomas Dux Norf'k 16 die Julii anno regni d'ne n're Elizabeth' Regine Angl' tertiodecimo apud Charterhouse pred'cam in Com' Midd' predict' ac diversis aliis diebus et vicibus antea et postea eisdem prefat' Jacobo duci Chastle de le Roy, Comiti de Huntley, D'no Harris, D'no Hume, D'no de Buclughe, D'no Fermhurst, inimicis publicis dicte d'ne Elizabeth' nunc Regine Angl' tunc existen' falso et proditorie fuit adherens confortans et auxilians: Et ulterius Jur' predicti per sacr'm suu' predictum presentant et dicunt quod cum Pius quintus modo Ep'us Romanus est et existit et ad'm fuit notabilis capit'lis et publicus, inimicus d'ce d'ne n're Regine Elizabeth' et hujus Regni Anglie, Quod idem prefat' Thomas Dux Norf'k hoc bene sciens et intelligens decimo die Martii anno regni ejusdem d'ne Elizabeth' Regine tertiodecimo apud Charterhouse pred'cam in Com' Midd' predict' ac diversis aliis diebus et vicibus antea et postea ea intencone ut prodic'ones pred'cas ad effectum produceret falso subdole et proditorie consentit advisavit et procuravit quendam Robartum Ridolphie mercatorem alienig'num extra hoc regnum Anglie mitti ad prefat' Ep'm Romanu' nec non ad Philippu' Regem Hispaniarum et Ducem de Alva ad obtinend' de ip'o prefat' Ep'o Romano quasd'm pecuniaru' summas imponend' exponend' circa provisionem et maintentionem exercitus millitu' ac hominu' armatorum ad intrand' et invadend' hoc regnum Anglie et ad guerram levand' suscipiend' maintenend' in eodem regno contra ip'am D'nam n'ram Elizabeth' reginam: Ac quod idem Rex Hispaniarum per meditationem dicti Ducis de Alva mitteret in hoc regnum Anglie quendam exercitum armatorum hominu' et militu' ad hoc regnu' Anglie invadend' ac ad guerram publicam et acerrimam contra d'cam d'nam Reginam Elizabeth' levand' suscipiend' et maintenend': Et etiam quod idem Thomas Dux Norf'k eodem 10 die Martii anno regni dicte d'ne Elizabeth' Regine tertiodecimo supradict' ac diversis aliis diebus et vicibus antea et postea apud Charterhouse pred'cam in Com' Midd' predict' falso nequiter et proditorie conspiravit consentiit et agreavit cum prefat' Rob'to Ridolphie suscitare et movere et excitare infra hoc Regnum Anglie totam vim et potentiam quas ip'e pred'cus Thomas Dux Norf'k et confederati sui aliquo modo valerent sive potuissent facere vel excitare infra hoc regnum Anglie ad conveniend' cum prefat' exercit' armatorum hominu' per dictu' Regem Hispaniarum ut prefert' mittend', et cum eodem exercitu armatorum hominu' et cum talibus aliis subditis hujus Regni Anglie quos idem Dux Norf'k comparere et procurare potuisset conjungere cum dicto exercitu per dom' Regem Hispaniaru' ut prefert' mittend' guerram publicam contra dictam d'nam Elizabeth' Reginam infra hoc Regnu' suu' Anglie levare suscipere et manutenere et eandem Mariam nuper Scotorum Reginam extra custod' et possessionem ejusdem d'ne n're Elizabeth' Regine Anglie eripere et liberare ac predictam illustrissimam et Christianissimam d'nam n'ram Elizabeth' Reginam de regali statu titulo potestate preheminentia et regimine hujus regni sui Anglie penitus deprivare deponere dejicere et exhereditare, nec non se eundem Thomam Ducem Norf'k in matrimonio cum prefat' Maria nuper Scotorum Regina conjungere et copulare.

Et ulterius Jur' pred'ci super sac'm suu' pred'cm dicunt et presentant quod cum prefat' Robartus Ridolphie tres seperales l'r's credentiales in no'ie prefat' Thome Ducis Norf'k pro ip'o Robarto Ridolphie in suis falsis nequissimis et proditoriis nuntiis pred'cis videl't unam earundem l'rarum ad prefat' Ducem de Alva, alteram ad prefat' Ep'm Romanum, ac tertiam ad prefat' Phillippu' Hispaniarum Regem transferend' et transportand' composuisset et scripsisset quod postea ip'e id'm Thomas Dux Norf'lk falso et proditorie intendens volens et a'io suo considerans successionem effectum et complemen' in predictis falsis et proditoriis nunciis per prefat' Robartum Ridolphie ut prefertur missis quendam Will'm Barker generosum servientem ipsius Thome Ducis Norf'k xx die Martii anno regni d'ce d'ne Regine nunc tertiodecimo supradicto apud Charterhouse pred'cam in Comitat' Midd' predit' falso subdole et proditorie ad Guerrau' Despes ambassatorem dicti Phillippi Hispaniarum Regis misit ad declarand' ostendend' et affirmand' predicto ambassatori predicti Phillippi Hispaniarum Regis quod ip'e idem Thomas Dux Norf'lk affirmabat et affirmare vellet predittas l'ras credentiales ad prefat' Ducem de Alva Romanu' Ep'm et Philip' Hispaniaru' regem no'ie suo compo't et script' adeo valent' et firmiter prout ipsemet idem Thomas Dux Norfolk easdem manu sua propria subscripsisset: Et insuper iidem Jur' super sacr'm suu' predictum presentant et dicunt quod predictus Robartus Ridolphie xxvi die Martii anno regni d'ce d'ne Elizabeth' nunc Regine Anglie tertiodecimo supradicto apud Doaver in Com' Can' extra hoc regnum Anglie ad et usque partes ext'as et transmarinas iter suu' arripuit ad preficiend' perimplen' et exequend' dict' proditoria nuncia per consensum agreament' prefat' Thome Ducis Norf'k posteaque pred'cus Ridolphie eadem nequissima et proditoria nuncia sua in partibus ext'is et transmarinis tam prefat' Duci de Alva quam prefat' Ep'o Romano narravit retulit et declaravit et communicavit. Et quod pred'cus Robartus Ridolphie post pred'cm exit' et recessionem suu' extra hoc regnu' Anglie, ac post eadem falsa nequissima et proditoria nuntia sua pred'ca prefat' Duci de Alva narrat' declarat' et fact' una l'ram suam in quibusdam subdolis alienis et inconsuetis characteribus et notis Anglic' dict' Ciphers ad prefat' Thomam Ducem Norf'k scribi fecit et misit. Quam quidem l'ram sic ut prefert' script' missam ip'e idem Thomas Dux Norf'k xviij die Aprilis anno regni

d'ce d'ne Elizabeth' Regine xiij supradict' apud Charterhouse pred'cam in Com' Midd' predict' falso et proditorie recepit et h'uit et eand'm adtunc et ib'm prefat' Will'mo Barker servienti suo in l'ras cognitas et comn's reducend' et decipherand' Anglic' dict' "To be deciphered" lib'avit et dedit, et eand'm l'ram in co'es cognitas litteras reduct' et decipheratam Anglic' dict' "deciphered" ip'e id'm Dux postea xxv die Aprilis anno regni dicte d'ne Elizabet' nunc tertiodecimo supradicto apud Charterhouse pred'cam in dicto Com' Midd' falso et proditorie recepit inspexit et perlexit et penes se adtunc et ib'm falso et proditorie retinuit et servavit, per quam quidem l'ram predictus Robartus Ridolphie eidem Thome Duci Norf'k inter alia significavit eumque certiorum fecit de benigna audientia sua quam ip'e id'm Robartus h'uit apud prefat' Ducem de Alva in nequissimis et proditoriis nuntiis suprad'cis: Et quod id'm Dux de Alva requisivit et voluit amicos et fautores confederationis et p'poit predict' paratos esse quandocunque potentia per dictum Hispaniarum regem mittend' infra hoc Regnu. Anglie applicaret: Et preterea iid'm Jur' super sacr'm suu' pred'cu' presentant et dicunt quod pred'cus Thomas Dux Norf'k xvi die Junii anno regni d'ce d'ne Elizabeth' Regine nunc xiii supradict' apud Charterhouse predict' in Com' Midd' predict' a prefat' Pio quinto Romano episcopo unam l'ram eidem Duci dir'cam falso et proditorie recepit per quam id'm Episcopus Romanus promisit eidem Thome Duci Norf'k auxiliu' et supplementum pro adjuvamine predicto Marie nuper Scotorum Regine, ac pro et ad nequissima et proditoria propo'it' et intentiones predict' exequend' et perficiend' contra legiancie sue debitum ac contra pacem dicte d'ne Elizabeth' nunc Regine Anglie coronam et dignitat' suas et in legum hujus Regni Anglie contempt' manifestum. Nec non in pessimu' et pernitiosissimu' exemplum omniu' aliorum in tali casu delinquen' ac contra formam diversorum Statut' in hujusmodi casu edit' et provisor' &c.

Et modo scil' d'co instantis die Martii, viz. xvj die Januarii anno xiiij supradicto coram prefat' Georgio Comite Salop preclari ordinis Garterii milite et hac vice Anglie Senescallo apud Westmonaster' in magna aula pl'itorum ib'm ven' predict' Thomas Dux Norf' sub custod' prefati Owini Hopton Milit' locum tenen' d'ne Regine dicte Turris London' in cujus custod' preantea ex causa predicta & allis certis de causis commissus fuit ad barram hic duct' in propr' persona sua, qui committit' prefato locumtenenti, &c. Et statim de omnibus et singulis sep'alibus proditionibus, pred'cis sibi superius seperatim impo'it alloquut' qualiter se velit inde acquietari, dicit quod ipse in nullo est inde culpabil' et inde de bono et malo pon' se super pares suos, &c.

Super quo predicti Reginald' Comes Rand' Will'mus Comes Wigorn' ac ceteri antedicti Comites et Barones, pred'ci Thome Ducis Norf'k pares instant' super corum fidelitatibus et legianciis dicte d'ne Regine debit' per prefatum Senescallum Anglie ab inferiore pare usque ad suprema' par'm illorum seperatim publice examinat' quilib't corum seperatim dic' quod predictus Thomas Dux Norf'k de seperalibus p'ditio'b's predictis sibi separatim dic' quod predictis sibi seperatim in forma predicta superius impo'it est inde culpabil' modo et forma prout per seperales indictament' predict' superius suppo', &c.

Super quo instanter Servien' d'ne Regine ad legem, at icsius d'ne Regine Attorn' just' debit' legis formam petunt versus eundem Thomam Ducem Norf'k judicium et executionem superinde pro d'ca d'na Regina h'end' &c.

Et super hoc vis' et per Cur' hic intellect' omnibus et singulis premissis Con' est quod predictus Thomas Dux Norf'k ducat' per prefat' Locumtenen' usque dict' Turrim London' et deinde per mediu' Civitat' London' usque ad furcas de Tiborne trahatur et ib'm suspendat et vivens ad terram prosternat' ac interiora sua extra ventrem suu' capiant' ip'oq' vivente comburent', et caput ejus amputetur quodque corpus ejus in quatuor partes dividat', ac quod caput et quarteria illa ponantur ubi d'na Regina ea assignare voluerit, &c.

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57. The Trial of Mr. Robert Hickford, (Servant of the Duke of Norfolk), at the Queen's-Bench, for High Treason: 14 Eliz. February 9, A. D. 1571. [MS. Brit. Mus. 1427.]

After the reading of the Indictment, being asked by the Clerk of the Crown, if he were Guilty or Not Guilty? He answered to this effect; being admonished to speak higher, whereunto he excused himself by the lowness of his voice:

Hickford. I am here indicted of divers points of High-Treason, part whereof I deny, for that I was never privy to the same: my fact, such as it is, I am ready to confess, and declare as I have already confessed it. I am not learned in the law. I know not in what form to answer unto it. This only I require to be heard to declare the truth, so far as the matter toucheth me: I here protest before your honours, and in the presence of God, that I bring a conscience untouched with any intent of hurt, ever conceived by me against the queen's majesty's person or my country; I never meant any such thing in my heart: I know the law hath not intent to the conscience, or intent of men; but is to judge only of the mind, according to the appearing of outward facts; so the law cannot accept my intent for

my purgation. Therefore I shall declare the truth of my doing, and upon that further open unto you at large my dealing in the matters contained in the Indictment. First, For the matter of moving of Sedition, I did never know that any such thing was meant by my lord, or any other; and whatsoever was by him, or any other intended, I was not privy unto it. I do confess indeed, that the Articles mentioned in the Indictment were sent to my lord, my late master, which by his commandment I deciphered, for they were brought in cipher. Then my lord read them, and folded them up, and put them in the pocket of his hose, and said, The bishop of Ross will never be quiet, and then he went to supper; and from that time I never saw that Writing till it was shewed me in the Tower. What Answer my lord made to them, or whether he answered them or no, I know not.

C. J. Catlin. Hickford, you seem to be a man of knowledge and learning, you have been indicted, and are now arraigned according to order of law; you must follow order, you must answer to the Indictment, confess or deny it, you shall be heard after to say your mind. You must plead unto it Guilty or not Guilty.

Hickford. I do confess the law hath not respect to man's intent, but judgeth according to his fact. I confess I saw these Articles and deciphered them, I shewed them to my lord; I revoked them not, as in duty I ought to have done, and therefore I think myself Guilty.

Catlin. The Indictment containeth divers clauses of Treason, therefore answer, if you be guilty, to any special matters contained in the Indictment, or that you will confess yourself Guilty of the whole.

Hickford. I may not confess of myself that whereof my conscience doth not accuse me, some parts I am not privy to; the first point, concerning stirring of Sedition, I do not know that ever any such thing was meant by my lord. What intention he had, God and his own conscience knoweth it. As touching the matter of Rodolph's going over to the king of Spain, to the pope, and the duke of Alva, and the Instructions of that voyage contained in the thing, that by my lord's commandment I deciphered: I answer, as I have before said, that I never knew of any proceeding, nor dealt therein afterwards; and my lord, when he read it deciphered, he answered as I said before, The bishop of Ross will never be quiet. I thought he had burnt that Paper, as a thing that he liked not; but what he did with it, or in the matter afterward, I cannot tell.

Catlin. You must answer more roundly and directly to the matter; for these circumstances and points, you shall be heard afterward. In the mean time answer plainly, if you be Guilty or not Guilty.

Southcote. Mr. Southcote spake to the same effect, and told him, That if he pleaded Not Guilty, these his Declarations should be heard at large upon the evidence.

Hickford. To part of the indictment I confess myself Guilty, which concerneth the deciphering of the letters by my lord's procurement and commandment; after which time I never dealt in it.

Southcote. You were best to plead Not Guilty to the whole Indictment; and for such matters and parts of the Indictment as you can clear yourself, the Jury may find you Not Guilty, and find you Guilty for the rest.

The Lord Chief Justice, and Mr. Attorney advised to the same effect.

Hickford. I am Guilty. I know under how merciful a queen I live; I submit myself wholly to her majesty's mercy. I will not stand long upon that whereof mine own conscience condemneth me.

Catlin. Confess you Guilty to the whole Indictment?

Hickford. Yea.

Attorney. (Mr. Gilbert Gerrard.) Are you Guilty of adhering to and comforting the queen's enemies, and the conveying of the French Packet and Money that was sent to relieve them?

Hickford. I confess myself Guilty.

Serj. Then, after some pause, Mr. Serjeant Barham spake to this effect: Forasmuch as Robert Hickford hath been indicted of High-Treason, and, among other things, that he hath adhered to and comforted the queen's enemies, and the same Indictment hath been read unto him, and he hath confessed the treasons; I am to pray your lordships on the queen's majesty's behalf, that his Confession may be entered, and Judgment given for the queen against him, according to the law.

Hickford. May I now declare to what points I am not Guilty?

Attorney. There are two points in the Indictment that concern yourself; the dealing in the matter about Rodolph's Voyage, and the Instruction for the same; and the adhering to and comforting of the queen's enemies: are you not Guilty of these?

Hickford. I am Guilty.

Catlin. If you will yet wave and forsake your confession, we are content to admit you to do so, and you may yet plead Not Guilty, and you shall have your Trial.

Hickford. No, I will submit me wholly to her majesty's mercy: I know under how merciful a prince I live, though my deserts be far unworthy, by my master's means and procurement. I know I bring, as I said, a conscience untouched with any intent or meaning of hurt to her majesty's person, or to my country. And this I say before God and in the presence and witness of you all; howbeit the law accepteth not, nor judgeth by secret intents, for so might every man clear himself.

Catlin. Hickford, thou hast heard the Indictment read, where by the oaths of a Jury thou art found and presented guilty of divers High-Treasons: thou hast been arraigned thereof, and confessed thyself guilty, and submitted thyself to her majesty's mercy. The queen's majesty's Serjeant hath, on her behalf, required

Confession to be entered, and Judgment to be given against thee, according to the order of the laws; so nothing resteth now but Judgment to be given against thee, and that thou hear thy Judgment. A few words for good admonition shall serve: Thou art a gentleman, wise, and well learned, I would to God there had been in thee as much loyalty and truth, as there is learning, and other good qualities and gifts of God, then hadst thou not fallen into this great fault and misery. But there have been evil enticers, evil school-masters, evil seedsmen, as one called them here last day; they have brought thee from truth and good estate, to untruth, treason, and wretchedness; where before thou and others were of good name and fame, they have brought you to infamy; of loyal, good, and true subjects, they brought you to the name and state of disloyal traitors: A great blot to be a Traitor, and the greatest infamy that can be. It is the chiefest point of the duty of every natural and reasonable man, which by the gift of reason differeth from a beast, to know his prince and head, to be true to his head and prince. All the members are bound to obey the head; every man is bound to repair life, to lay out and expend goods, lands, and possessions, to forsake father, mother, kindred, wife, and children, in respect of preserving the prince; for in defending the prince, they preserve father, mother, kindred, wife, children, and all. It was well and wisely spoken here the last day, by one that stood at the bar, that was learned and as wise as you are, upon his confessing of himself guilty of Treason against his prince; I would he had had as much truth and loyalty, as he had of learning and understanding, in few words, he comprehended a great heap of matter concerning the duty of the subject to the prince. All the duties, said he, to father, mother, friends, kindred, children, yea to a man's wife, that is his own flesh, are all inferior to the duty that a subject oweth to his prince, for this duty comprehendeth them all. In respect of duty to the prince, and preserving the prince, neither wife, parent, nor other are to be regarded, they must all stand behind. If in any case, any respect shall allure a man from loyalty and truth to his prince, they must be forsaken, they must come behind; it must be said, *Vade post me, Satana.* We must first look unto God the high prince of all princes, and then to the queen's majesty the second prince, and God's deputy, and our sovereign prince on earth. In these few words he comprehended much matter, he satisfied the hearers for their duty to the queen's majesty. You are wise and learned as he was, and for knowledge of duty and understanding as much bound to God as he; but the evil seedsmen, the evil inticers and seducers have wrought evil effect in you both, the great good seedsman hath sowed in you good gifts, learning, knowledge, and good quality, to serve him, your prince and your country withal, as it is said in the gospel, *Bonus seminator seminavit semen bonum*; but *supervenit inimicus et seminavit zizania:* the good seedsman sowed good seed; but there came the enemy, the evil seedsman, and he sowed darnel, cockle, and noisome weeds. Such wicked seedsmen have been in England; if they had sown the right seed for their own use, the seed of hemp, and felt of it, they had received according to their deserving. God hath sown in you good gifts and qualities, meet to have served any prince in Christendom; but *supervenit inimicus*, the devil and his ministers, wicked seedsmen, sowed in you darnel and cockle, treason and disloyalty; they have made you forget your duty to your natural prince and country. If these had been handled as they have deserved, they should long ago have had of their own due seed, hemp bestowed upon them, meet seed for such seedsmen; such mischievous seedsmen they be, that corrupt men, otherwise well indued, that sow treason so abundantly in this realm. O strange matter! that such Treasons should be, and so ripe in this realm; a common slander to this realm of England, the Treasons of England are every where talked of among strange nations: For proof of it they refer us to our histories of H. 2. Ed. 2. Ric. 2. Ed. 5. and so prove the oft practices in this realm to murder and depose our princes, to the great infamy and slander of our country. The very regard of our country's fame, that this great slander of treason should not by your fault have been renewed and increased against us, if nothing else would, it should have staid you from so foul dealing in treason. But is this vowing of treason lawful for any? May embassadors be such seedsmen? Be these the parts of embassadors? They have their articles in law, by which they are bound, let them do as law will let them. If they will transgress these, and fall to treason, and procure the danger of princes, let them feel as law will. I can shew you a precedent and history for it within memory, about 37 or 38 years ago, about the 25th Hen. 8. it was done by the duke of Milan. The French king, that then was, Francis, grand-father to the French king that now is, sent one M. de Marveilles to the duke of Milan as his ambassador: this M. de Marveilles, the French king's ambassador, conspired Treason against the state and the duke of Milan; the duke understood it, he caused him to be arraigned after the order of their law, and being found guilty, he beheaded him: and this *jure gentium* was lawfully done. May Messengers conspire Treason against princes to whom they be sent? Treason to princes is not their message, it is no lawful cause of their sending; if of their own heads they presume it, they must by law be touched and taught to keep them within their duties. As for them that seek fame by Treason, and by procuring the destruction of princes, where shall sound that fame? Shall the golden Trump of Fame and good Report, that Chaucer speaketh of? No; but the black Trump of Shame shall blow out their infamy for ever. Again, these that follow such heinous Treasons, that bring forth the fruit of such seeds as such wicked

seedsmen have sown, are in foul fault, and justly to be condemned, and worthy extremely to feel it. For that you are in misery, men may have pity and compassion of your misery, and so forbear to grieve you with due rehearsal, else men might aggravate your offence, with setting out the particulars of it at length, and as they should have fallen out, if you had stood in Trial: but you have confessed it, and yielded yourself guilty, and submitted yourself to the queen's majesty's mercy. Therefore I will leave to aggravate your faults, and will proceed, as the order of law requireth, to Judgment. I pray God to give you grace to make a good end. I need not give you long exhortation, I am no doctor of divinity; you are learned yourself, your knowledge is great I would your loyalty and truth had been as great. But because we are to do with law, we must follow the order of law, one must speak for all, and so I, for all the rest, shall proceed to judgment.

Then my Lord Chief Justice pronounced the Judgment usual in Treason, concluding it in these words; 'God be merciful unto you, and give you grace to make a good end.

Then *Hickford* answered to this effect: I humbly thank your lordship for your good admonition; I know and confess, that I ought unto the queen's majesty a much greater and higher duty than to my master. And as it is said of your lordships to have been wisely spoken, so was it truly said, that the duty of all subjects to the prince, is a much greater duty than a man oweth to his master, or to any other; yea, or to those that bare him into the world. I confess I have neglected that duty to my prince, howbeit I did it by my lord, my late master's procurement and commandment, and for good intent, as my master bare me in hand and persuaded me, whereof I pray your lordships I may declare the truth. When first my lord made choice of me to wait on him in the Tower, as I would to God he had rather made choice of any other, within short time he received a Letter from the Scotish queen in Cipher. He made me privy to it, and willed me to acquaint myself with that Cipher, for the deciphering of the like hereafter. At that first time I said little unto it: within three weeks after there came another Letter to him from the Scotish queen, and then I began to mislike the matter. Then my lord walking on the leads, (having so much liberty granted him) sir Henry Nevil and Mr. Lieutenant being present upon the leads, and departing a little aside, my lord called me to him, and after other matters entered into talk of the Scotish queen. I said unto him, I would ask a question of you, if I might without offending you. He asked me what? I said I would show him, so that he would not be offended, for otherwise I durst not. After he had assured me he would not be offended, I said unto him, My lord, I marvel much at your doings; you are here, as you know, committed upon high displeasure of the queen's majesty, for dealing with the Scotish queen without the queen's majesty's consent. Now in proceeding further by Letters between you, the contrivance of this dealing must much aggravate her highness's displeasure against you. He answered me, Tush fool, thou art a fool, thou understandest not the matter. I answered, I presumed to say this unto you, upon your assurance that you would not be offended, and that maketh me ask, why you continue this dealing with the Scotish queen? He answered me again, Thou art a fool, thou seest not my case; I hold a wolf by the ears, I can neither let go without danger, nor hold without peril. Unhappy man I was when I was first committed; for if I could then have come to the speech of the prince, I would have laid it all at her feet, and I trust I should have found grace to have obtained favour: But now, on the one side, I am entered into my prince's high displeasure; on the other side *(a)*, if I should pull the Scotish queen, and all her friends upon me, and make them mine enemies, then were I in worse case than ever I was. If I could once recover my prince's favour, then would I soon shake off all dealing with the Scotish queen. In the mean time, till her majesty's favour may be recovered, I am driven to this hardness that you see. I answered him again, You are yourself much wiser than I am; but, in my poor opinion, the sooner you rid yourself of this dealing the better. Then because I was persuaded that he trusted to recover the queen's majesty's favour, I was in the mean time contented to decipher the Letters from time to time, as they passed between them. Shortly after he had so much favour and liberty, that his men had recourse unto him freely into the Tower: whereupon we conceived hope of his short delivery, but it fell contrary, and so continued till Midsummer. Then was he advised to make submission to the queen's majesty, and promised that if he would submit himself, and renounce all dealing with the Scotish queen, there was hope that the queen's majesty would receive him to grace. Whereupon he wrote a Submission. he sent it, it was delivered, and, as we heard, it was very well liked of. Within a fortnight after he had the liberty of the Tower, and comfortable Letters came. I looked and had hope that he should have been delivered presently; it came not so to pass, the cause God knoweth.

Here the Lord Chief Justice offered to interrupt and end this course of speech as impertinent, when he yet proceeded further, and said:

Hickford. I beseech you, my lord, let me use a few words, to declare the course of my doing. My lord was not then delivered: shortly after it happened, that by occasion of a sickness, and being sick of the plague in the Tower, my lord was removed to his own house at the Charter-house; then we had great hope that we should shortly be received into her ma-

(a) Behold an evident entry into a resolution to leave the queen, and seek to the Scot and friends.

jesty's favour, and come to the court again, and so continued till the Cipher came from the bishop of Ross, before which time and since I was never privy to that matter. The cause why I was never afterward made privy, was this; My lord being at home at his house at Charter-house, I told him, I liked not his doing, it would not have good end.

Att. Why did you then still follow? Why left you him not?

Hickford. He answered me, Thou art a fool, thou understandest not.

Catlin. He told you truth, that you were a fool, for you played the fool indeed.

Hickford. I would then have gone from him, and I sought to depart; he would never give me leave, as Mr. Bannister well knoweth.

Catlin. Why? he was not your prince, you were not so bound that he could compel you to tarry with him.

Hickford. Otherwise I dealt not with the bishop of Ross.

Catlin. In following him, the hurt was yours; if you had been a good subject, and had regard of your duty, you might and should have taken other course; but you had higher hope, to have seen your master in higher state to advance you; you had more respect to your master than to your mistress. But this is nothing to the matter.

So his purposed longer Speech was cut off, and then he said shortly thus:

Hickford. I humbly thank your lordship again for your good admonition; and as your lordship hath rehearsed the History of the French embassador to the duke of Milan, so I would and pray God, that he that hath brought my lord to this, may have the like success. I humbly submit myself to the queen's majesty's mercy. I know I have lived under a most gracious and merciful queen. I wish God long to preserve her majesty, and this little time that I have left I will spend in prayer for her preservation; and I beseech God have mercy upon me.

Whereunto the Court, and all that were present, said, Amen; and some said secretly, he had then shewed himself a wiser man than his master. And so the lieutenant was commanded to avoid the prisoner.—God save Queen Elizabeth.

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58. The Arraignment of Edmund Campion, Sherwin, Bosgrave, Cottam, Johnson, Bristow, Kirbie, and Orton, for High Treason: 24 Eliz. A. D. 1581. Now first published. [MS. in Bib. Cott. 1014. Phœnix Britannicus, 481.]

THE 12th of November, 1581, at the King's* bench, in Westminster, the parties abovenamed were indicted of High Treason, namely, that they in the days of the last March and April anno 23d Eliz. at Rheimes in Champaign, Rome, and other places beyond the seas, had conspired the death of the queen's majesty, the overthrow of the religion now professed in England, the subversion of the state, and that for the attempt thereof they had stirred up strangers to invade this realm; moreover that the 8th of May next following, they took their journey from Rheimes towards England to persuade and seduce the queen's subjects to the Romish religion, obedience to the Pope, from their duties and allegiance to her highness, and that the 1st of June they arrived in this country for the self-same purpose.

Whereupon the parties mentioned were brought from the Tower to the bar to hear this Indictment which was read unto them.

Campion. I protest before God and his angels, by heaven and earth, and before this tribunal, which I pray God may be a mirror of the judgment to come, that I am Not Guilty of these Treasons contained in the Indictment, or of any other whatsoever; and to prove these things against me it is merely impossible.

Lord Chief Justice, (sir Christopher Wray.) The time is not yet come wherein you shall be tried, and therefore you must now spare speech and reserve it till then, at which time you shall have full liberty of defence, and me to sit indifferent between her majesty and yourself, wherefore now to the Indictment whether you be Guilty or Not.

Then they were arraigned, severally and severally; every one pleaded Not Guilty. The 20th of Nov. next following, the said persons were led to the bar for their Trial, the Jury was demanded, which presently appeared. The Clerk of the Crown read the Indictment, and declared the charge to the jurors was, That if they found the parties here indicted Guilty of the treasons, or to have fled for any of them, they should then enquire what lands, tenements, goods, and chattels, they had at the time of the treasons committed or at any time since, and if they found them Not Guilty, then to say so, and no more.

Campion. My lord, for as much as our surmised offences are severally, so that the one is not to be tainted with the crime of the other, the offence of one not being the offence of all, I could have wished likewise that for the prevention of confusion, we might also have been severally indicted, and that our Accusations carrying so great importance, and tending so nearly unto us as our lives, each one might have had one day for his trial. For albeit I acknowledge the Jurors to be wise men and much experienced in such causes, yet all the

* Sic in MS.

Evidence being given or rather handled at once, must needs breed a confusion in the Jury, and perhaps such a misprision of matters, as they may take the Evidence against one to be against all, and consequently the crime of the one for the crime of the other, and finally the guilty to be saved, and the guiltless to be condemned; wherefore, I would it had pleased your lordship that the Indictment had been several, and that we might have had several days of trial *.

Hudson. It seemeth well Campion that you have had your counsel.

Campion. No counsel but a pure conscience.

Lord Chief Justice. Although if many be indicted at once, the Indictment in respect of them all containing all their names be in it, yet in itself being framed against several persons it cannot be but several at the trial, whereof evidence shall be particularly given against every one, and to the matters objected every one shall have his particular answer, so that the jury shall have all things orderly; notwithstanding I would have wished also, that every one should have had his several day assigned him, had the time so permitted, but since it cannot be otherwise we must take it as it is.

Whereupon the queen's counsel Mr. Anderson, Mr. Popham (Attorney General) and Mr. Egerton (Solicitor General) prepared to give in Evidence, and first Mr. Anderson spake in effect as followeth:

Anderson. With how good and gracious a prince the Almighty hath blessed this land, continuing the space of 23 years, the peace, the tranquillity, mercies and abundant supplies, but especially the light and success of the gospel, wherewith since her majesty's first reign this realm hath flourished above all other, most evidently doth manifest; the which, notwithstanding they ought to have stirred us up into a most dutiful affection and zealous love unto her crown, for whose sake and by whose means, next under God, we enjoy these prosperities; yet hath there not from time to time, been wanting amongst us mischievous and evil disposed enemies of her felicity, which either by insolent and open denouncing of war or by secret and privy practices of sinister devices, have ambitiously and most disloyally attempted to spoil her of her right, and us of these blessings: yet such hath been God's incomparable puissance against them, so tender his care over her, so favourable his mercy towards us, that neither they thereby have been bettered, nor her estate impaired, nor our quiet diminished, for who knoweth not of the rebellions and uproars in the North, who remembereth not the tragical pageant of Storie, who still seeth not the traiterous practices of Felton? Prevailed they against her, was not their strength vanquished, were not their policies frustrated, did not God detect them and protect her to her safety and their perdition? The matter is fresh in remembrance. Their quarters are yet scarce consumed; they were discovered, they were convicted, they suffered, we saw it. If you ask from whence these Treasons and seditious Conspiracies had their first offspring, I ask from whence they could have it but from the well itself the pope? For if we inspect the Northern seditions, he it was that was not only the encouragement, but also being put to flight was their refuge. If we mean Storie, he it was that was the sworn liege and lord of so perjured a subject; if we look to Felton, he it was that excommunicated the queen and all the commonalty that did her obedience. Finally, if we recount all the Treasons and Rebellions that have been conspired since the first hour of generation, he it was and principally he, that suborned them. What, then, are we to think these latest and present conspiracies to have been done either unwitting or unwilling the pope? Shall we deny either Campion or his companions without the pope's assent or consent to have conspired these matters beyond the seas themselves? Why? had they no entertainment at his hands? Did he bestow nothing upon them for their maintenance? was there no cause which either he should do for them or they for him, they papists, he pope; they flying their country, he receiving them; they Jesuits, he their founder; he supreme head, they sworn members; he their chief provost, they his dearest subjects; how can it be but he was privy, privy! nay the author and setter on? We see that other treasons have been squared to his platforms, and had he no direction in this, came all the rest from him and came not this near him? It is impossible. An enemy to the crown, a professed scourge to the gospel, envying the tranquillity of the one, impatient of the success of the other, what would he not do to subvert them both? He hath been always like himself, and never liker in ought than in this, He knew well enough no foreign hostility was convenient. The Spaniard would be discovered: the Frenchman would be suspected; the Roman not beloved. How then? Forsooth, men born and bred in our own nation, perfect in our own tongue and language, instructed in our own Universities—they and only they must endeavour our overthrow. In what order? They must come secretly into the realm, they must change their habit and names; they must dissemble their vocations, they must wander unknown—to what end? To dissuade the people from their Allegiance to their prince, to reconcile them

* This objection seems to be not altogether groundless. A and B are tried together for a felony, a witness swears that A confessed to him that he A, together with B and another, committed the felony in question, the judge in summing up tells the jury that this is evidence against A, but not against B, yet there is great danger that the minds of jurymen will be influenced by it, with regard to the case of B. See too the case of Coke *v.* Woodburne, A. D. 1721.

to the pope, to plant the Romish Religion, to supplant both prince and province—by what means? By saying of Mass, by administering the Sacrament, by hearing Confessions. When all these things were purposed, endeavoured, and practised by them, whether were they guilty of these treasons or no? If not, then add this, for them they were parties to the rebellion in the North, they were instruments to the practices of Storie, they were ministers to execute the Bull sent from Pius Quintus against her majesty. How appeareth that? How should it appear better, than by your own Speeches and Examinations. They highly commended the Rebellion in the North; they greatly rejoiced in the constancy of Storie; divers of their counsel and conferences was required for the Bull. Yea, and which is more and yet sticketh in our stomachs, they afforded such large commendations to Saunders, liking and extolling his late proceedings in Ireland, that it cannot be otherwise intended but that thereof they also have been partakers. To conclude, what lenity may we hope for from the pope, what fidelity from their hands that have vowed themselves unto him, what trust may the country repose in them that have fled and renounced their country? How can their return be without danger, whose departure was so perilous? Note all circumstances, note all probabilities, not one amongst all, but note them for traiterous; and so being, it is reason they should have the law and the due punishment ordained for traitors, the which in her majesty's behalf we pray that they may have, and that the Jury upon our allegation may pass for the Trial.

This Speech, very vehemently pronounced with a grave and austere countenance, dismayed them all, and made them very impatient and troublesomely affected; for it seemed by their distemperature that it sounded very criminously to their Trial, and therefore utterly denying all that was alledged, they protested themselves true and faithful subjects; only Campion bare it out best, and yet somewhat amazed, and demanded of Mr. Anderson, whether he came as an orator to accuse them, or as a pleader to give in evidence.

L. C. Justice. You must have patience with him and the rest likewise; for they being of the Queen's Council they speak of no other intent than of duty to her majesty; and I cannot but marvel that men of your profession should upon any such occasion, be so much distempered, for as concerning the matters which my brother Anderson hath alledged, they be but inducements to the point itself, and thereto every one shall have his several Answer.

Whereupon, Campion for himself and his Companions answered unto Mr. Anderson's Speech as followeth:

Campion. The wisdom and providence of the laws of England, as I take it, is such as proceedeth not to the trial of any man for life and death by shifts of probabilities and conjectural surmises, without proof of the crime by sufficient evidence and substantial witnesses. For, otherwise, it had been very unequally provided that upon the descanting and flourishes of affected speeches, a man's life should be brought into danger and extremity, or that, upon the persuasion of any orator or vehement pleader without witness *viva voce* testifying the same, a man's offence should be judged or reputed mortal. If so, I see not to what end Mr. Serjeant's oration tended, or if I see an end, I see it but frustrate, for be the crime but in trifles, the law hath his passage, be the theft but of an halfpenny, witnesses are produced, so that probabilities, aggravations, invectives, are not the balance wherein justice must be weighed, but witnesses, oaths, &c.—Whereto, then, appertaineth these objections of Treason? He barely affirmeth, we flatly deny them. But let us examine them, how will they urge us? We fled our country, what of that? The pope gave us entertainment, how then? We are Catholics, what is that to the purpose? We persuaded the people, what followeth? We are therefore Traitors. We deny the sequel, this is no more necessary than if a sheep had been stolen, and to accuse me you should frame this reason, My parents are thieves, my companions suspected persons, myself an evil liver, and on it laid the *mutton**, therefore I stole the sheep. Who seeth not but these be odious circumstances to bring a man in hatred with the Jury, and no necessary matter to conclude him guilty? Yea, but we seduced the queen's subjects from their allegiance to her majesty! What can be more unlikely? We are dead men to the world, we only travelled for souls; we touched neither state nor policy, we had no such commission. Where was, then, our seducing? Nay, but we reconciled them to the pope; nay, what reconciliation can there be to him, since reconciliation is only due to God? This word soundeth not to a lawyer's usage and therefore is wrested against us unaptly. The reconciliation that we endeavoured was only to God, and as Peter saith *reconciliacio Domine;* what resteth then against us? That we were privy to the Rebellion in the North, instruments to Storie, ministers to Felton, partakers with Sanders. How so? forsooth, it must be presumed. Why? because we commended some, some we rejoiced at, concerning some we gave counsel and conference. How appeareth that? by our own speeches, nothing less. God is our witness we never meant it, we dreamed it not. These matters ought to be proved and not urged, declared by evidence and not surmised by fancy, nothwithstanding it ought to be so, yet must all circumstances note us for Traitors. Indeed, all yet that is laid against us, be but bare circumstances, and no sufficient arguments to prove us Traitors, in so much that we think ourselves very hardly dealt with, that for want of proof we must answer to circumstances. Well, circumstances or other as I remember, this was

* Sic in MS.

all; and if this were all, all this was nothing. Wherefore, in God's behalf we pray that better Proof may be used, and that our lives be not brought in prejudice by conjectures.

Queen's Counsel. It is the use of all Seminary men at the first entrance into their Seminaries to make two personal Oaths; the one into a book called Bristow's Motives for the fulfilling of all matters therein contained; the other unto the pope to be true to him and his successors: of the which Oaths, there is neither but is traiterous, for how can a man be faithful to our state and swear performance to those Motives; a true liege to his sovereign, and swear fealty to the pope, forasmuch as the one is quite contrary to our laws and government, the other the most mortal enemy her majesty hath?

Campion. What Oaths Seminary men at their first entrance take, or whether Bristow's Motives be repugnant to our laws or no, is not any thing material to our Indictment, for that we are neither Seminary men nor sworn at our entrance to any such motives; but were it so that any Seminary Men stood here for trial, this matter could prove no great Evidence against them, for that none are sworn to such Articles of Bristow's, but young striplings that be under tuition; whereas unto men of riper years and better grounded in points of Religion (as most of England are before they pass the seas) that Oath is never administered, and then many a study else flourisheth in Rome wherein both Seminary men and others are far better employed than they otherwise could be in reading English pamphlets.

Kirbie. I think of my conscience there be not four Books of these Bristow's Motives in all the Seminaries.

Thereupon they all cried, if whereas they were indicted of Treason they feared lest under vizard of that they should be condemned of Religion, and to prove that Campion framed a reason in manner following:

Campion. There was offer made unto us, that if we would come to the Church to hear Sermons and the Word preached, we should be set at large, and at liberty: so Pascall and Nicolls, otherwise as culpable in all offences as we, upon coming to the Church and acceptance of that offer, were received to grace and had their Pardon granted; whereas if they had been so happy as to have persevered to the end, they had been partakers of our calamities. Wherefore, if liberty were offered to us on condition to come to Church and hear sermons, and that could we not do by professing our Religion, then to change our religion and to become Protestants, that forsooth was that that should purchase us liberty. So that our Religion was cause of our Imprisonment and the consequence of our condemnation.

Attorney General. All these matters at the time of Nicoll's enlargement were altogether unknown, and not once suspected; neither can we now conjecture that he was guilty of any such drift or purpose, in that he stood not, as you do, stubbornly in that religion which might be any cloak or colour of such Treasons.

Queen's Counsel. All you jointly and severally have received money of the pope to spend in your journeys. Some two hundred crowns, some more, some less, according to your degrees and conditions. Was such liberality of the pope's without cause? No: it had an end; and what end should that be, but by your privy inveigling and persuasions to set on foot his devices and treacheries.

Campion. We received of him according to the rate he thought best to bestow it. We saw neither cause why to refuse it, neither means how to come hither pennyless; it was his liberality that supplied our need. What would you have us do? We took it, was that Treason? But it was to an end: I grant had it been to no end, it had been in vain; and what end should that be, merely to preach the Gospel? no treacheries, no such end was intended.

There was a Witness produced named J. Caddy, or Cradocke, who deposed, generally, against them all, that being beyond the seas he heard of the Holy Vow made between the pope and the English priests, for the restoring and establishing of Religion in England; for the which purpose, two hundred priests should come into the realm, the which matter was declared to Ralph Shelley an English knight, and captain to the pope, and that he should conduct an army into England, for the subduing of the realm unto the pope, and the destroying of the Heretics. Whereto sir Ralph made answer, that he would rather drink poison with Themistocles than see the overthrow of his country: and added further, that he thought the catholics in England would first stand in arms against the pope before they would join in such an enterprize.

Queen's Counsel. The matter is flat: the Holy Vow was made, two hundred priests had their charge appointed, the Captain General was mentioned, our destruction purposed. If, then, we confer all likely heads together, what is more apparent than that of those two hundred priests, you made up a number, and therefore be parties and privy to the Treason.

Campion. Two hundred priests made an Holy Vow to labour for restoring of Religion. It seemeth, by all likelihood, that we made up the number, and therefore privy and parties to the Treason: here is a conclusion without any affinity to the premises; first an Holy Vow, then an establishment of Religion. What colour is there here left for Treason? All the treason rehearsed is imputed to sir Ralph Shelley; not one syllable thereof was referred to the priests. But granting, and which the witnesses have not deposed, namely, that we were some of these two hundred priests; you see sir Ralph Shelly a Catholic, the Pope's captain, a Layman, would rather drink poison than agree to such Treason, it is like that priests, devotaries and dead men to the world, would in anywise consent unto, that this Deposition is more for us than against us.

Then was order taken that every man's Evidence should be particularly read against himself, and every one to have his several answer; and first against Campion.

Queen's Counsel. About ten years since you, Campion, were received into conference with the cardinal of Sicily, concerning the Bull wherein Pius 5 did excommunicate the Queen, the nobility, and commonalty, of this realm; discharging such of them as were Papists from their obedience to her majesty, the which Conference cannot otherwise be referred, than to the putting in execution of the Bull; so that the Bull containing manifest treason, whereto you were privy. Doth that prove you a Traitor?

Campion. You, Men of the Jury, I pray you listen. This concerneth me only, and thereto this I answer. True it is, that at my first arrival into Rome (which is now about ten years past) it was my hap to have access to the said cardinal, who having some liking of me, would have been the means to prefer me to any place of service, whereunto I should have most fancy; but I being resolved what course to take, answered, that I meant not to serve any man, but to enter into the Society of Jesus, thereof to vow and to be professed. Then being demanded further, what opinion I had conceived of the Bull; I said, it procured much severity in England, and the heavy hand of her majesty against the catholics. Whereunto the cardinal replied, that he doubted not but it should be mitigated in such sort, that the catholics should acknowledge her highness as their queen without danger of excommunication: and this was all the speech I had with the cardinal, which can in no wise be construed as an offence, and therefore, much less as the least point of Treason.

Queen's Counsel. We can impute no more by your words than a mitigation of the Bull against the catholics only; so that the principal, which was the excommunication of her majesty, was left still in force, not detected by you, and therefore your privity thereto concludeth you a Traitor.

Campion. My privity thereto enforceth not consenting; nay, rather it proveth my disagreement, in that I said it procured much severity, and therefore being here published before I could detect it (for who knew not that the queen of England was excommunicated) it excused my privity and exempted me from Treason.

Queen's Counsel. You had conference with the bishop of Ross, a professed papist and a mortal enemy to the state and crown of England; and to what end should any such communication be had, but for the practising of such Treasons as had been conspired?

Campion. What the bishop of Ross is, either for religion or affection, I think little pertinent to me, much less to this purpose; but as for the Conference past between him and me, I utterly deny that ever there was any, and therefore let it be proved.

The Clerk of the Crown read a Letter sent from Dr. Allen unto Dr. Sanders in Ireland, wherein Allen sheweth why the Insurrection in the North prevailed not, was in two respects, either that God reserved England for a greater plague, or for that the catholics in other places had not intelligence of the purpose; for otherwise, that could not so badly have succeeded; in this Letter moreover was contained that——* feared the war as a child doth the rod, and that ——* at all times will be ready with 200 to aid him.

Queen's Counsel. What an army and host of men, the Pope by the aid of the king of Spain and the duke of Florence had levied for the overthrow of this realm, the destruction of her majesty, and the placing of the Scottish queen as governess in England, could not any ways have escaped your knowledge; for being sent from Prague, where your abode was, to Rome, and then by the Pope charged presently towards England, what other drift could this, such a sudden ambassage, portend, than the practising and execution of such a Conspiracy? Whereof you are also the more to be suspected, for as much as in your coming from Rome towards England, you entered into a certain privy conference with Dr. Allen to break these matters to the English Papists to withdraw the people from their due allegiance and to prepare them to receive these foreign powers.

Campion. When I was received into the Order of Jesuits, I vowed three things, incident to my calling, Chastity, Poverty and Obedience. Chastity in abstaining from all fleshly appetites and concupiscences. Poverty in despising all worldly wealth lying upon the devotion of others. Obedience in dutifully executing the commandment of my superiors. In respect of which Vow inveighing obedience, I came, being sent for from Prague to Rome, having not so much as the smallest inkling of these supposed armies, nor the least inclination to put any such thing in practice, but there rested for eight days attending the pleasure of my provost, who at last according to my Vow (which, by the grace of God, I will in no case violate) appointed me to undertake this Journey into England, which, accordingly, I enterprized, being commanded thereunto not as a Traitor to conspire the subversion of my country, but as a priest to minister the Sacraments, to hear Confessions; the which ambassage I protest before God I would as gladly have executed and was as ready and willing to discharge, had I been sent to the Indians or uttermost regions in the world, as I was being sent into my native country. In the which voyage I cannot deny but that I dined with Dr. Allen at Rheims, with whom also after dinner I walked in his garden, spending our time in speeches which referred to our old familiarity and acquaintance; during the whole course thereof (I take God to witness) not one iota of our talk glanced to the crown or state of England; neither had I the least notice of any

* Sic in MS.

Letters sent to Sanders, nor the smallest glimmering of these objected platforms.—Then, as for being Procurator from the pope and Dr. Allen, I must needs say there could no one thing have been inferred more contrary, for as concerning the one, he flatly with charge and commandment excused me from matters of state and regiment; the other sought no such duty and obedience unto as to execute matters repugnant to my chage. But admitting (as I protest he did not) that Dr. Allen had communicated such affairs unto me: yet for that he was not my superior it had been full apostacy in me to obey him. Dr. Allen for his learning and good religion I reverence, but neither was I his subject or inferior, nor he the man at whose commandment I rested.

Queen's Counsel. Were it not that your dealing afterwards had fully bewrayed you, your present Speech perhaps had been more credible; but all afterclaps make those excuses but shadows, and your deeds and actions prove your words but forged; for what meaning had that changing of your name, whereto belonged your disguising in apparel, can these alterations be wrought without suspicion? Your name being Campion, why were you called Hastings? You a priest and dead to the world, what pleasure had you to royst that? A velvet hat and a feather, a buff leather jerkin, velvet venetians, are they weeds for dead men? Can that beseem a professed man of religion which hardly becometh a layman of gravity? No; there was a further matter intended; your lurking and lying hid in secret places, concludeth with the rest, a mischievous meaning: had you come hither for love of your country, you would never have wrought in ——; or had your intent been to have done well, you would never have hated the light, and therefore this beginning decyphereth your Treason.

Campion. At what time the primitive church was persecuted and that Paul laboured in the propagation and increase of the Gospel, it is not unknown, to what straits and pinches he and his fellows were diversely driven, wherein though in purpose he were already resolved rather to yield himself to martyrdom, than to shrink an inch from the truth he preached; yet if any hope of means appeared to escape, and if living he might benefit the church more than dying, we read of sundry shifts whereto he betook him, to increase God's number and to shun persecution; but especially the changing of his name was very oft and familiar, whereby as opportunity and occasion was ministered, he termed himself now Paul now Saul; neither was he of opinion always to be known, but sometime thought it expedient to be hidden, least being discovered persecution should ensue, and thereby the Gospel greatly forestalled. Such was his meaning, so was his purpose, when being in penance for points of religion he secretly stole out of prison in a basket. If these shifts were then approved, why are they now reproved in me? he an Apostle, I a Jesuit. Were they commended in him, are they condemned in me, the same cause was common to both, and shall the effect be peculiar to the one? I wished earnestly the planting of the gospel. I knew a contrary religion professed. I saw if I were known I should be apprehended. I changed my name: I kept secretly. I imitated Paul. Was I therein a traitor? But the wearing of a buff jerkin, a velvet hat, and such like is much forced against me, as though the wearing of any apparel were treason, or that I in so doing were ever the more a traitor. I am not indicted upon the statute of Apparel, neither is it any part of this present arraignment. Indeed, I acknowledge an offence to God for so doing, and thereof it did grievously repent me and therefore do now penance as you see me.

He was newly shaven, in a rug gown, and a great blacking strap covering half his face, &c.

The Clerk of the Crown read a Letter sent from Campion unto one Pound a catholic, part of the contents whereof was this, "It grieveth me much to have offended the catholic cause so highly, as to confess the Names of some gentlemen and friends in whose houses I had been entertained: yet in this I greatly cherish and comfort myself, that I never discovered any secrets there declared, and that I will not, come Rack, come Rope."

Queen's Counsel. What can sound more suspiciously or nearer unto Treason, than this Letter? It grieveth him to have bewrayed his favourers the catholics, and therein he thinketh to have wrought prejudice to Religion. What, then, may we think of that he concealeth? It must needs be some grievous matter and very precious, that neither the Rack nor the Rope can wring from him. For his conscience being not called in question nor sifted in any point of religion, no doubt, if there had not been further devices and affairs of the state and commonwealth attempted, we should as well have discovered the matter as the person; wherefore, it were well these hidden secrets were revealed, and then would appear the very face of these treasons.

Campion. As I am by profession and calling a priest so have I singly vowed all conditions and covenants to such a charge and vocation belonging, whereby I sustain an office and duty of priesthood that consisteth in sharing and hearing confessions, in respect whereof at my first conservation (as all other priests so accepted must do) I solemnly took and vowed to God never to disclose any secrets confessed. The force and effect of which vow is such as whereby every priest is bound, under danger of perpetual curse and damnation, never to disclose any offence opened nor infirmity whatsoever committed to his hearing. By virtue of this profession and due execution of my priesthood, I was accustomed to be privy to divers mens secrets, and those not such as concerned State or Commonwealth, whereunto my authority was not extended, but such as so charged the grieved soul and conscience where-

of I had power to pray for absolution. These were the hidden matters, these were the secrets in concerning of which I so greatly rejoiced, to the revealing whereof I cannot, nor will not be brought, come Rack, come Rope.

Thereupon the Clerk of the Crown read certain Papers containing in them Oaths to be ministered to the people for the renouncing their Obedience to her majesty and the swearing of Allegiance to the pope, acknowledging him for their Supreme Head and Governor, the which Papers were found in divers houses where Campion had lurked, and for Religion been entertained.

Queen's Counsel. What can be more apparent than this? These Oaths, if we went no further, are of themselves sufficient to convince you of Treason; for what may be imagined more traitorous than to alien the hearts of the subjects from her majesty, renouncing their obedience to her, and swearing their subjection to the pope? And therefore these Papers thus found in houses were you where, do clearly prove that for ministering such Oaths, you are a Traitor.

Campion. Neither is these, neither can there be any thing imagined more directly contrary or repugnant to my calling, as upon any occasion to minister an Oath: neither had I any power or authority so to do: neither would I commit an Offence so thwart to my profession, for all the substance and treasure in the world. But admit I were authorized, what necessity importeth that reason, that neither being set down by my hand writing nor otherwise derived by any Proof from myself, but only found in places where I resorted, therefore I should be he by whom they were ministered. This is but a naked presumption (who seeth it not) and nothing vehement nor of force against me.

Anderson. It could not otherwise be intended but that you ministered those Oaths, and that being found behind you it was you that left them.—For if a poor man and a rich man come both to one house, and that after their departure a bag of gold be found hidden, for as much as the poor man had no such plenty, and therefore could leave no such bag behind him, by common presumption it is to be intended, that the rich man only and no other did hide it. So you a professed papist, coming to a house, and there such reliques found after your departure, how can it otherwise be implied than that you did both bring them and leave them there, so it is flat they came there by means of a papist; *ergo* by your means.

Campion. Your conclusion had been necessary if you had also shewed that none came into the house of my profession but I; but here you urge your conclusion before you frame your minor; *ergo* it proveth not.

Anderson. If here as you do in schools you bring in your minor and conclusion, you will prove a fool; but minor or conclusion, I will bring it to purpose anon.

Queen's Counsel. You refuse to swear to the Supremacy, a notorious token of an evil willer to the crown; insomuch as being demanded by the Commissioners, whether the Bull wherein Pius the 2nd, had excommunicated her majesty, wherein your opinion of force or no, you would answer nothing, but that these were bloody questions, and that they which sought these, sought your life: also resembling the Commissioners unto the Pharisees, who to entrap Christ propounded a dilemma, whether tribute were to be paid to Cæsar or no; so that in your Examination you would come to no issue, but sought your evasions and made Answers aloof, which vehemently argueth a guiltiness of conscience, in that the truth would never have sought covers.

The two Commissioners, Mr. Norton and Mr. Hamon, were present, and certified the matter as the Queen's Counsel had urged it.

Campion. Not long since it pleased her majesty to demand of me whether I did acknowledge her to be my queen or no. I answered that I did acknowledge her highness not only as my queen but as my most lawful governess, and being further required of her majesty whether I thought the pope might lawfully excommunicate her or no, I confessed myself an insufficient umpire between her majesty and the pope, for so high a controversy, whereof neither the certainty is as yet known, nor the best divines in Christendom stand fully resolved. Albeit I thought that if the pope should do it; yet it might be insufficient; for it is agreed *clavis errare potest*, but the divines of the catholic church do distinguish of the pope's authority, attributing unto him ordination and inordination, *potestatem, ordinatem*, whereby he proceedeth in matters merely spiritual and pertinent to the church, and by that he cannot excommunicate any prince or potentate, *Inordinatem*, when he passeth by order of law, as by Appeals and such like, and so as some think, he may excommunicate and depose princes. The self same Articles were required of me by the Commissioners, but much more urged to the point of Supremacy and to further supposals than I could think of. I said, indeed, they were bloody questions, and very pharisaical, undermining of my life; whereunto I answered as Christ did to the dilemma, Give unto Cæsar that is due to Cæsar, and to God that to God belongeth! I acknowledge her highness as my governess and sovereign. I acknowledged her majesty both *facto et jure*, to be queen. I confessed an obedience due to the crown as to my temporal head and primate. This I said then, this I say now. If, then, I failed in ought, I am now ready to supply it. What would you more? I willingly pay to her majesty what is hers, yet I must pay to God what is his. Then, as for excommunicating her majesty, it was exacted of me, admitting that Excommunication were of effect, and that the pope had sufficient authority so to do, whether then I thought myself discharged of my allegiance or no? I said this was a dangerous question, and they that demanded this demanded my

blood. But I never admitted any such matter, neither ought I to be wrested with any such suppositions. What, then, say they, because I would not answer flatly to that which I could not, forsooth I sought corners; mine answers were aloof. Well, since once more it must needs be answered, I say generally that these matters be merely spiritual points of doctrine and disputable in schools, no part of mine Indictment, not to be given in evidence, and unfit to be discussed at the King's Bench. To conclude, they are no matters of fact; they be not in the Trial of the country, the Jury ought not to take any notice of them; for although I doubt not but they are very discreet men and trained up in great use and experience of controversies and debates pertinent to their callings, yet they are laymen, they are unfit judges to decide so deep a question.

Eliot, a Witness, deposed against Campion, that he made a Sermon in Berkshire, his text being of Christ weeping over Jerusalem, wherein Campion sheweth many vices and enormities here abounding in England, and namely heresies, wherewith he was sorry that his countrymen were so blinded; but hoped shortly there would hap a day of change comfortable to the catholics, now shaken and dispersed, and terrible to the heretics here flourishing in the land.

Queen's Counsel. See, what would you wish more manifest. The great day is threatened, comfortable to them, and terrible to us, and what day should that be, but that wherein the pope, the king of Spain, and the duke of Florence have appointed to invade this realm.

Campion. O Judas! Judas! no other day was in my mind, I protest, than that wherein it should please God to make a restitution of faith and religion. For as in all other Christian commonwealths, so in England, many vices and indignities do abound, neither is there any realm so godly, no people so devout, no where so religious, but that in the same very places many enormities do flourish, and evil men bear sway and regiment. Whereupon, as in every pulpit every protestant doth, I pronounced a great day, not wherein any temporal potentate should muster, but wherein the terrible Judge should reveal all men's consciences, and try every man of each kind of religion. This is the day of change, this is the Great Day which I threatened, comfortable to the well-being, and terrible to all heretics. Any other day than this, God he knows, I meant not.

Munday, a Witness, deposed that he heard the Englishmen, as the Doctor and others, talk and conspire of these Treasons against England, and that Campion and others afterward had conference with Dr. Allen.

Campion. Here is nothing deposed against me directly, and as for any Conference with Dr. Allen, that hath appeared when and what it was.

Evidence was next given against Sherwin, who before the Commissioners had refused to swear to the Supremacy, neither would answer plainly what he thought of the Pope's Bull, but confessed that his coming into England was to persuade the people to the catholic religion.

Queen's Counsel. You well knew that it was not lawful for you to persuade the queen's subjects to any other religion, than by her highness's instructions is already professed, and therefore if there had not been a further matter in your meaning, you would have kept your conscience to yourself, and yourself where you were.

Sherwin. We read that the apostles and fathers in the primitive church have taught and preached in the dominions and empires of ethnical and heathen rulers, and yet not deemed worthy of death. The sufferance perhaps and the like toleration I well hoped for in such a Commonwealth, as where open Christianity and godliness is pretended, and albeit in such a diversity of religion, it was to be feared lest I should not discharge my conscience without fear of danger, yet ought I not therefore to surcrease in my functions, although that conscience is very wandering and unsteady which with fear of danger draweth from duty.

One of the Judges. But your case differeth from theirs in the primitive church, for that those apostles and preachers never conspired the death of the emperors and rulers in whose dominions they so taught and preached.

The Clerk of the Crown read a Letter, which sheweth that by the fireside in the English seminary beyond the seas, Sherwin should say, That if he were in England he could compass many things. That there was one Arundle in Cornwall who at an instant could levy a great power, and that if an army were to be sent into England the best landing would be at St. Michael's Mount.

Sherwin. I never spake any such matter, God is my record; neither ever was it the least part of my meaning.

Bosgrave's Opinion was read, wherein he had denied the Supremacy, and staggered without any perfect answer to the Bull, but said that he came into England to persuade and teach, acknowledging her majesty his queen and temporal head. In which Examination he confessed, that beyond the seas he heard it reported how the pope, the king of Spain, and the duke of Florence would send a great army into England to deprive the queen's majesty both of life and dignity, for the restitution of the catholic religion.

Queen's Counsel. The keeping close and not detecting of Treason maketh the hearer of it to become a Traitor, and therefore, in as much as you concealed what you heard, and made not information of it to her majesty, the council, nor the commonalty of this realm, you became thereby privy and party unto it, and therefore in these respects you are a Traitor.

Bosgrave. What? am I a traitor because I heard it spoken?

But Campion perceiving Bosgrave merely daunted with the matter, spake to excuse him in manner as followeth:

Campion. My lord, it is not unknown to your honour how brittle and slippery ground fame and reports are wont to be built on; the which as for the most part they are more false than credible, so ought they always to make men wary and fearful to deal with them, insomuch that the broacher of rumours and news, is he that commonly getteth least credit or thanks for his labour. The cause is the property and nature of fame, which is never but uncertain and sometime but forged; for who findeth it not by daily experience, how that in every city, every village, yea, and in most barber's shops in all England, many speeches both of estates and commonwealths be tossed which were never meant nor determined of in the court: If it be so in England, shall we not look for the like in Italy, Flanders, France, and Spain? Yes truly; for though the countries do differ, yet the nature of the men remaineth the same, namely, always desirous and greedy of news. Many things there be diversely reported and diversely canvassed by the common sort which never were intended by the bearers of rule and principality. Were it not then a great point of credulity for a man divided from England by many seas and lands, upon a matter only blazed among the vulgar people, either by journey or letter to certify the queen's counsel or commonalty of things never purposed, much less put in practice. I think rather Mr. Bosgrave's discretion to have been greater in passing such dangerous occasions with themselves, than otherwise it had been in using means to bewray them. But, suppose he had done as you would have had him, and what he heard there he had signified here? What had come of it, marry then, greater danger for slandering the realm, and here little thanks for his false information. So that if he would deal either wisely or safely, how could he deal better than to do as he did?

Attorney General. There is no cloth so coarse, but Campion can cast a colour on it. But what was it not Bosgrave's own confession that he arrived into England to teach and persuade the people, and what persuasions should they be but to prepare a readiness for these wars?

Campion. These be but faint and bare implications, which move but urge not, affirm but prove not; whereas you ought not to amplify and gather upon words when a matter concerneth and toucheth a man's life.

Cottam in his Examination would neither agree to the Supremacy, nor answer directly concerning the pope's authority.

Queen's Counsel. You came into England at or near the same time that the rest came; so that it must needs be intended a match made between you, for the furtherance of those which were then brewing, and how answer you thereunto?

Cottam. It was neither my purpose nor my message to come into England, neither would I have come had not God otherwise driven me, for my journey was appointed to the Indians, and thither had I been, had my health been thereto answerable, but in the mean whiles, it pleased God to visit me with sickness, and being counsel by the physicians for my health's sake to come into England for otherways as they said either remaining there or going elsewhere I should not recover it. I came upon that occasion and upon no other into this realm.

Campion. Indeed the physicians in Rome have held for certainty that if an Englishman shall fall sick amongst them, there is no better nor scarce any other way for his health, than to repair into England, there to take his natural air which best agreeth with his complexion.

Cottam. And that only was the cause, and not any determinate intent either to persuade or dissuade, being otherwise by my provost charged to the Indians. Neither after my arrival here did I hide myself nor dealt otherwise, than might beseem any man that meddled no more than I did. I lay for the most part in Southwark, I walked daily in Paul's. I refrained no place, which betokened my innocency.

Queen's Council. Did you neither persuade nor dissuade? was there not a Book found in your budget, the contents whereof tended to no other purpose, the which was made by one Dr. Espigneta intitled *Tractatus conscientia*, containing certain Answers unto the Supremacy, how superficially to frustrate any kind of demand, with a further method how you ought to demean yourself in every kind of company, whether it were of Protestants or Puritans, and what speeches you should use to convert them both; as unto the Protestants highly commending them and shewing that they are far nearer the right way then the Puritans, and whom you should utterly dispraise unto the Puritans, likewise in commending the Protestants and persuading them to the obedience of the pope? to what end then should you carry this book about you if you were not purposed to do as it prescribeth?

Cottam. I protest before God I knew nothing of that Book, neither how nor when it came to me.

Then Campion, seeing him driven to so narrow an exigent as to deny that which was manifest, answered for him to this effect following:

Campion. Many casualties and events may happen whereby a man may be endangered ere he beware, by the carrying of a thing whereof he knoweth not, as either the malice of others that privily convey it amongst other his provisions, or his own negligence or over sight which marked not attentively what he took with him, whereof both are to be judged his errors yet not deemed an offence. And therefore this cannot be maintained to be done by Mr. Cottam on purpose, which we see flatly to be out of his knowledge. But, suppose that purposely he brought the book with him, yet what can that make against him for Treason? It treateth of conscience; it toucheth good demeanour; it sheweth how to make the

unbelieving faithful matters wholly spiritual, points of edification, preparing to Godwards, where is then the Treason? But were these reasons impertinent, yet it is a custom with all students beyond the seas, when any man learned or well thought of draweth a treatise touching either conscience or good behaviour to copy it out and to carry it about with them, not thereby aiming at any faction or conspiracy, but for their own proper knowledge and private instruction.

Johnson would neither grant to the Supremacy, neither held any resolute opinion of the pope's authority in his Bulls and Excommunications.

Eliot, a Witness, deposed against Johnson, that at Christ's Nativity come two years being at my lady Peter's house, he fell into acquaintance with one Pain a priest, that exercised the office of a steward in the house, who by reason that he was appointed to be his bedfellow grew into a further familiarity with him, in so much that at length he ventured to dissuade him from his Allegiance to her majesty, and to become subject to the Pope; affirming, that her highness could not live for ever, and that shortly after her days the Catholic religion should be restored. For the furtherance whereof the Catholics beyond the seas had already devised a practice, which is this, that fifty of them (whereof either should know other) should come to the court furnished with privy coats, pocket dagger and two-handed swords, attending until her majesty should take the air or go on some petty progress, and then some of them should set upon her majesty, some upon the Lord Treasurer, some upon the earl of Leicester, some upon sir Francis Walsingham, and others upon others the favourers of this heretical religion, there to kill her majesty and take her by the hair of the head unto an horse to be lugged and haled up and down to the joy of all Catholics and distress of all heretics, of which so Pain asked this deponent if he would be one; adding further that if he had place and opportunity convenient he would stab her majesty with a dagger himself, for he thought it no more unlawful to kill her than to kill a brute beast. After which communication Pain not finding this Deponent so conformable unto him as he hoped, and receiving a bitter and flat refusal of his ungracious proffer, conveyed himself away and was no more to be heard of. Whereupon this Johnson now arraigned came to the Deponent and enquired what was become of Pain, to whom he answered, that he knew not. Then said Johnson, he is gone beyond the seas for fear you would discover his secrets, and therefore here I forewarn and conjure you not to disclose any thing that Pain hath told you, for if you do you stand in state of damnation.

Johnson. I never in my life had any such talk with him, nor uttered any such speeches tending to any such matter.

Bristowe's Examination was read, wherein he had acknowledged her majesty his lawful queen and governess, and that notwithstanding ought that the pope had done or could do, she was his Supreme Head.

Queen's Counsel. What was then the cause of your coming into this realm? for it seemeth by your sudden arrival and journeying with the rest that you were also a party, and furtherer of their purpose.

Bristow. I have to my mother a poor widow, who besides had one other son, with the company of whom during his life she was well paid; but it pleased God afterwards to dispose him at his mercy and to deprive my mother of his future succour. She taking the matter very heavily, used what means she might possible for my return, she sent letters after letters, and those so importunate that while I could, I must needs come home. The which was the only cause of my arrival and not any other, God is my witness.

Munday. Anthony Munday deposed against Bristow, that he should say he was cunning in fire works, and that shortly he would make a confection of wildfire, wherewith he would burn her majesty when she were on the Thames in her barge, and the deponent swore further, that he heard it spoken beyond the seas, that whosoever had not the watchword, which was "Jesus Maria," should be slain.

Bristow. I call God to witness I never suffered such thoughts, nor never had any such cunning in fire works, and therefore he sweareth the greatest untruth that may be.

Kirbie in his Examination for the Supremacy and the pope's authority, was of no other opinion than was Campion.

Sleidon, a Witness, deposed against Kirbie that being beyond the seas this Kirbie came to his bedside and counselled him to beware how he dealt with any matters in England, for there would come a great day wherein the pope, the king of Spain and the duke of Florence, should make as great an alteration as ever was. He deposed, that Kirbie was at a sermon of Dr. Allen's, who then persuaded the priests and seminary men to take their journey into England, to remove the Englishmen from their obedience to her highness, and to persuade them to aid the pope and his confederates. He deposed, moreover, that beyond the seas he spake with one Tedder a familiar friend of Kirbie's, of whom he Deponent demanded, whether he were of kin to her majesty, for that his name was Tedder, whereunto he answered, that if he knew himself of kin to that Whore of Babylon, that Jezebel of England, he would think the worse of himself as long as he lived, but one day he would make a journey into England, and if it were possible dispatch her out of the way.

Kirbie. As I hope to be saved at the last Doom, there is not one word of this Deposition, that concerneth me, either true or credible, neither at any time made I the least mention of that alledged day, neither was I present at any Sermon so preached, but I always bore as true and faithful heart to her majesty as any subject whosoever did in England, insomuch

that I never heard her majesty evil spoken of, but I defended her cause and always spake the best of her highness: it is not unknown that I saved English mariners from hanging, only for the duty I bore to her majesty with the love and good will which I bore to my country, but you that have thus deposed, when was this Sermon (that you talk of) so preached? at what time of the day?

The Witness answered, that the same day there were three philosophic Disputations, after the which the Sermon was preached.

Orton would neither agree to the Supremacy, or openly affirm what authority the pope had, nor whether he thought the excommunication sent from pope Pius V. to be of force or no.

Munday, a Witness, deposed against Orton, that he being at Lions in France said unto this deponent, that her majesty was not lawful queen of England, and that he ought her no kind of obedience: the deponent said further, that this Orton made suit unto Dr. Allen, that he might be one of the pope's Pensioners, whereunto Dr. Allen would not agree, unless Orton would become a priest or seminary man, which he refused.

Orton. I utterly deny that I ever had any speech with the Witness, either at Lions or elsewhere, but he manifestly forsweareth himself as one that having neither honesty nor religion, careth for neither.

The same all the parties indicted did affirm, and that he was an Atheist; for that beyond the seas he went on pilgrimage, and received the Sacrament, making himself a Catholic, and here he taketh a new face and playeth the Protestant, and therefore is an unfit and unworthy Witness to give in evidence or depose against life.

Munday, the Witness, answered, That in France and other places he seemed to favour their religion, because he might thereby undermine them and sift out their purposes.

The Prisoners took exception to another of the Witnesses, which of them I know not, for that he was a murtherer, and had slain two men already well known by his own Confession and acknowledgment; for the which reason he was no sufficient nor allowable Witness.

These matters thus sifted, and that the Jury should pass, one of the Justices said to the Jurors, All the matter resteth in this, whether to believe the Prisoners that speak for their lives, or the Witnesses that come freely to depose as they are demanded, the Witnesses affirm sufficient Proof against them; they deny whatsoever is alledged.

Lord Chief Justice. You that be here indicted, you see what is alledged against you. In discharge whereof, if you have any more to say, speak, and we will bear you until to-morrow morning. We would be loth you should have any occasion to complain on the court, and therefore, if ought rest behind that is untold, that is available for you, speak and you shall be heard with indifference.

They all thanked his lordship, and said they could not otherwise affirm but that they had found of the Court both indifference and justice.—Whereupon Campion made this Speech to the Jurors.

Campion. What charge this day you sustain, and what accompt you are to render at the dreadful Day of Judgment, whereof I would wish this also were a mirrour, I trust there is not one of you but knoweth. I doubt not but in like manner you forecast how dear the innocent is to God, and at what price he boldeth man's blood. Here we are accused and impleaded to the death; here you do receive our lives into your custody; here must be your choice, either to restore them or condemn them. We have no whither to appeal, but to your consciences; we have no friends to make there but your heads and discretions. Take heed, I beseech you, let no colours nor inducements deceive you; let your ground be substantial, for your building is weighty. All this you may do sufficiently, we doubt not if you will mark intentively what things have been treated, in three distinct and several points. The speech and discourse of this whole day consisteth, first, in Presumptions and Probabilities; secondly, in matters of Religion; lastly, in Oaths and Testimonies of Witnesses. The weak and forceless Proof that proceedeth from conjectures are neither worthy to carry the Verdict of so many, nor sufficient evidence for trial of man's life. The constitutions of the realm exact a necessity, and will that no man should totter upon the hazard of likelihoods; and albeit the strongest reasons of our accusers have been but in bare and naked Probabilities, yet are they no matters for you to rely upon who ought only to regard what is apparent. Set circumstances aside, set presumptions apart, set that reason for your rule which is warranted by certainty. But Probabilities were not the only matters which impertinently have been discussed, they were also points of doctrine and religion, as excommunications, books, and pamphlets, wherein a great part of the day hath been as unfitly consumed. Insomuch as this very day, you have heard not only us, but also the pope, the king of Spain, the duke of Florence, Allen, Sanders, Bristow, Espigneta, and many more arraigned. What force excommunications be of, what authority is due to the bishop of Rome, how mens consciences must be instructed, are no matters of fact, nor triable by Jurors, but points yet disputed and not resolved in Schools, how then can be determined by you, though wise, yet lay, though otherwise experienced, yet herein ignorant. But were it so that for your knowledge and skill in divinity ye might seem approved censurers of so high a controversy, yet are they no part of all our Indictment, and therefore not to be respected by the Jury. You perchance would ask of me, if these prove nought against us, what then should we enquire of, for these, set aside the rest, is almost nothing? pardon me, I pray you, our innocency is such

that if all were cut off, that hath been objected either weakly or untruly against us, there would indeed rest nothing that might prove us guilty, but I answer unto you, that what remaineth be Oaths, and those not to rest as proofs unto you but to be duly examined and fully considered, whether they be true and their deposers of credit. In common matters we often see witnesses impealed, and if at any time, their credit be little, it ought then to be least when they swear against life. Call I pray you to your remembrance how faintly some have deposed, how coldly others, how untruly the rest; especially two who have testified most. What truth may you expect from their mouths, the one hath confessed himself a murderer, the other well known a detestable Atheist, a profane heathen, a destroyer of two men already. On your consciences would you believe them? They that have betrayed both God and man, they that have left nothing to swear by, neither religion nor honesty. Though you would believe them, can you? I know your wisdom is greater, your consciences uprighter; esteem of them as they be, examine the other two, you shall find two of them precisely to affirm that we or any of us have practised ought that might be prejudicial to this state or dangerous to this commonwealth. God give you grace to weigh our causes aright, and have respect to our own consciences, and so I will keep the Jury no longer. I commit the rest to God, and our convictions to your good discretions.

The Jury departed under their Warden's custody, where they staid an hour, and then returned and pronounced all Guilty.

Anderson. Forasmuch as these Prisoners here indicted and arraigned in their Arraignment undertook to be tried by God and their country, and by the Verdict of a whole Jury, directly and by most sufficient and manifest Evidence, are found Guilty of the said Treasons and Conspiracies: we pray your lordship to accept of the Verdict, and in her majesty's behalf to give Judgment against them as Traitors.

Lord Chief Justice. Campion and the rest, what can you say, why you should not die.

Campion. It was not our death that ever we feared. We knew that we were not lords of our own lives, and therefore for want of answer would not be guilty of our own deaths. The only thing that we have now to say is, that if our Religion do make us Traitors we are worthy to be condemned; but otherwise are and have been as true subjects as ever the Queen had any. *

Lord Chief Justice. You must go to the place from whence you came, and there to remain until, &c. from thence, &c. you must be drawn &c. unto the place of execution. †

All the Prisoners, after this Judgment given, stormed in countenance, crying they were as true and faithful subjects as ever the queen had any. Only Campion suppressed his affection and said thus:

[Here follows a rhapsodical collection of scraps of texts of Scripture, and of heads of arguments for and against some Doctrines of the church of Rome. It is not inserted, because the MS. is in some places illegible, in others unintelligible, and because no part of it's contents, seems to have any peculiar relation to the Trial.]

* "Edmund Campion was born in London 1540, and educated at Christ's Hospital, where he delivered an oration before queen Mary at her Accession. He was afterwards elected to St. John's College Oxford, by Wite, the Founder, and received great applause for an oration which he spoke before queen Elizabeth, when she visited the University. In 1568 he went to Ireland, and wrote an History of the country, in two books; but the suspicion of favouring the Catholic tenets rendered him unpopular, and he fled to the Low Countries. Here he renounced Protestantism, and entered into the body of the Jesuits at Douay, and from thence passed to Rome, where he was received as a true and useful convert. He wrote a tragedy called 'Nectar and Ambrosia,' which was acted before the Emperor at Vienna, and for six years he taught Rhetoric and Philosophy at Prague, till he was commissioned by Pope Gregory xiii, to pass over to England in 1580. In this delicate employment he used all the arts of cunning and insinuation, but though he seems to have challenged the English clergy to a trial of skill, yet he discovered too much vehemence and impetuosity, and when discovered by the emissaries of Walsingham, he was dragged to the Tower, and being found guilty of High-Treason for adhering to the Pope, the Queen's enemy, he was hanged and quartered at Tyburn, 1st Dec. 1581." Lempriere.

† See the "Letter to Don Bernardin Mendoza." 1 Harl. Misc. 142. Lond. 1808, and "The Execution of Justice in England, &c. without persecution for questions of Religion," &c. 2 Harl. Misc. 137. Lond. 1809.

CONFESSIONS of EDMUND CAMPION, and other condemned Priests, his Associates, relating to their traitorous Practices against Queen Elizabeth: A.D. 1582. [Morgan's Phœnix Britannicus, 481.]

A PARTICULAR

Declaration, or Testimony,

OF THE

Undutiful and Traiterous Affection, borne against her Majesty,

BY

EDMUND CAMPION, JESUIT.

AND OTHER CONDEMNED PRIESTS, WITNESSED BY THEIR OWN CONFESSIONS; IN REPROOF OF THOSE SLANDEROUS BOOKS AND LIBELS, DELIVERED OUT TO THE CONTRARY, BY SUCH AS ARE MALICIOUSLY AFFECTED TOWARDS HER MAJESTY AND THE STATE.

"Submit yourselves unto all manner of Ordinance of Man for the Lord's sake, whether it be unto the King, as unto the Superior; or unto Governors, as unto them who are sent of him, for the punishment of Evil Doers, and for the praise of them who do well." 1 Pet. ii. 13.

Published by Authority.

Imprinted at London, by Christopher Barker, Printer to the Queen's Most Excellent Majesty. A.D. 1582.

To all her Majesty's good and faithful Subjects.

ALTHOUGH the course of proceeding in the late Indictment, Arraignment, Trial, Judgment, and Execution of Edmund Campion, and others, being as well upon sundry of their Writings, Letters and Confession, as also, upon other good and manifest proofs, found Guilty of High Treason, was such as ought, in truth and reason, to satisfy all indifferent persons, and well-affected subjects, to whom her majesty's merciful and gracious inclination towards offenders, is so well known: yet hath it been found, that some disloyal and unnatural subjects have untruly spread abroad sundry rumours and reports; and have published divers slanderous Pamphlets, and seditious Libels, as well in this realm, as in foreign parts, in sundry strange languages, in excuse and justification of the said Traitors, so justly executed; with purpose to defame her majesty's honourable course of justice, so much as lieth in them: setting out those condemned persons as men of singular virtue and holiness, and as her highness's true, loyal, devoted, and obedient subjects; and in no wise spotted with any stain of ill-disposed affection towards her majesty; being not otherwise to be charged, than with certain points of Religion, which concerneth only matters of conscience, which were no way prejudicial to her majesty's state and government; with divers like untruths, which are meaned shall be answered hereafter more at large; whereby, both the malice of the writers may be made known to the world, and her majesty's most merciful and gracious government may be preserved from the malice of such unnatural and undutiful subjects.—In the mean time, notwithstanding the lords and others of her majesty's most honourable Privy Council, being desirous that the dutiful subjects, may be preserved from the undermining of such seditious slanderers, whereby, otherwise, they might haply, by such wicked illusions, be carried into some hard conceits, touching the due and lawful Proceeding against the said Traitors; have found it very expedient, that as well certain Confessions taken of the said Campion, and others, before his Arraignment, as also, certain Answers, lately made to certain Articles propounded to those who were, at the same time, condemned of High Treason, but yet spared from Execution, should be published truly and sincerely, in such precise form of words as the same have been acknowledged and subscribed, not only with the proper hands of certain persons of public calling and credit, who were present at their Examination, and have subscribed thereunto; but, also with the proper hands of the Offenders themselves (Hart only excepted) as appeareth by the Originals extant to be shewed; whereby it may be most evidently seen, even by themselves, still persisting in their most traitorous affection, how untruly the said persons are reported to have been, and to be true and faithful subjects, in matter of her majesty's State and Crown; and how justly they were condemned for Treason, and not for Points of Religion: being those, who having been, by her majesty's clemency, so long spared, upon hope of repentance, continue yet still in such traitorous disposition of heart towards her highness; two of them only now acknowledging their duty of Allegiance, though, in points of Religion, not reconciled: as also one other, named Edward Rishton, who did before, openly, at the bar, at the time of the Arraignment, varying from Campion, and the rest of his fellows, therein, acknowledge his said duty and allegiance to her majesty; towards whom, to the end it may appear unto the world, that the said Campion, and the rest who were executed, were not put to death for Points which concerned matters of Conscience, but for Treason, her majesty doth mean to extend her grace and mercy; hoping, that as it hath pleased God to frame their consciences to acknowledge towards her that duty of allegiance, which, by the laws of God and man, they owe unto her, as their most lawful prince and sovereign, so he will, hereafter, open their eyes, to see how dangerously they have been hitherto, through false and erroneous doctrine, seduced, as well in matters concerning their

duty towards God, as in their allegiance towards their prince.—It is also looked for, that all such as make profession to be dutiful, and well-affected subjects, howsoever they be affected in Religion, seeing the most dangerous and pernicious Opinions which are held and maintained by these Jesuits, and Seminary-men, sent into this realm, will, hereafter, as well in respect of the duty they owe unto her majesty, as for the care they ought to have, as good members of this realm, to preserve the tranquillity thereof, as a thing which importeth every man's particular duty, not only refuse to receive and harbour such disloyal persons, but also do their uttermost endeavour to apprehend them, and to present them to justice, whereby they may receive such condign punishment, as is meet to be inflicted upon disturbers of the public peace in realms and kingdoms.

D. Sanders, De Visibili Monarchia; lib. 7. pag. 730.

Dr. Sanders reporteth: That in the year 1569, Pius Quintius, (the pope) Pontifex Maximus, sent Nicholas Morton, an Englishman, doctor of divinity, into England, to admonish certain catholic noblemen; That Elizabeth, which then governed, was a Heretic, and, for that cause, hath, by very law, lost all dominion and power which she usurped over the catholics, and may freely be accounted, by them, as a heathen, and publican; and that they are not, from thenceforth, bound to obey her laws or commandments.—Whereupon he saith, That many noblemen adventured to deliver their brethren *ab hereticorum tyrannide;* from the tyranny of the heretics. And, although things fell not out to their expectation, yet he saith; The purposes, or endeavours of these noblemen were to be praised, which wanted not their certain and happy success. For though they were not able to draw the souls of all their brethren out of the pit of Schism, yet both they, themselves, nobly confessed the Catholic faith, and many of them gave their lives for their brethren, which is the highest degree of charity; and the rest of them rescued themselves from the bondage both of schism and of sin, into that freedom wherewith Christ hath made us free.

Bristow in his Book of Motives, published with allowance of Dr. Allen, in the 15th Motive, Fol. 72. C. 73.

For a full Answer to them all, although the very naming of our catholic martyrs, even of this our time, to any reasonable man, may suffice; as the bishop of Rochester, sir Thomas More, the monks of the Charter-House, with many more under king Henry: and now, of late time, all our holy martyrs, who have been and daily are made, by loss of their livings, by poison, by whipping, by famishing, by banishment, bishops, priests, deans, arch-deacons, knights, esquires, gentlemen, laymen of all sorts; canons, ecclesiastical persons of all sorts; so many, likewise, who have openly suffered; the good earl of Northumberland, D. Story, Felton, the Nortons, M. Woodhouse, M. Plumtree, and so many hundreds of the northern men: such men, both in their life, and at their death, as neither the enemies have to stain them, as their own consciences, their own talk, and the world itself doth bear good witness. Many of them, also, and therefore all of them (because of their own cause) being by God himself approved by miracles most undoubted. Although, I say, no reasonable man will think those stinking martyrs of the heretics worthy, in any respect, to be compared with these most glorious martyrs of the Catholics, yet supposing, &c.

Sanders, lib. 7. p. 732.

Speaking of the Northern Commotion, he saith; Verily, this must needs be imputed to a miracle, that whereas near 500 men of those who took arms for the faith, were taken, and put to death by the heretics, yet there hath not been found any one of them, which hath either forsaken the Catholic faith, or hath accused of any blame the authors of that war.—And a little after, there suffered also a noble martyrdom, in the same cause, two worshipful gentlemen, of the house of Nortons, of whom, the one was called Thomas Norton, the other Christopher; and Christopher was Thomas's brother's son, and Thomas was Christopher's uncle; who both could neither be removed, from their faith, nor be brought to confess Elizabeth to be lawful queen.

Sanders, lib. 7. p. 734.

After a long recital of the Causes which moved Pius Quintus to excommunicate her majesty, he saith; of the fulness of apostolic power, hath declared the said Elizabeth a heretic, and a favourer of heretics: and that such as adhere unto her, in the premises, have incurred the Sentence of Anathema, accursed. Moreover, that she is deprived of her pretended right of the said kingdom; and also, of all and whatsoever dominion, dignity, and privilege. Farthermore, that the nobles, subjects, and peoples of the said realm, and all other which, in any wise whatsoever, have taken oath unto her, are assoiled for ever from such oath, and utterly from all duty of allegiance, fidelity and obedience, even as he then assoiled them by authority of his sentence, and deprived the said Elizabeth of her pretended right of the kingdom, and all other things above-said. And, he hath commanded and forbidden all, and every the nobles, subjects, peoples, and other aforesaid, that they be not so bold to obey her, or her advertisements, commandments, or laws; and whosoever otherwise do, he hath bound with like sentence of curse.

Bristow, in his 6th Motive, fol. 31.

Whereby it is manifest, that they do miserably forget themselves, who fear not Excommunications of Pius Quintus, of holy memory, in whom Christ himself, to have spoken and excommunicated, as in St. Paul, they may consider, by the miracles that Christ by him, as by St. Paul, did work.

In his 40th Motive, under the Title, 'Obedient Subjects.'

And, if at any time it happen, that after long toleration, humbly beseeching, and often admonition, of very wicked and notorious apostates and heretics, no other hope of amendment appearing, but the filthy wretch, daily more and more defiling himself and others, to the huge great heap of their own damnation; that after all this, the sovereign authority of our common pastor in religion, for the saving of souls, do duely discharge us from subjection, and the prince-offender from his dominion: with such grief of the heart it is both done of the pastor, and taken of the people, as if a man should have cut off from his body, for to save the whole, some most principal, but rotten part thereof.

Sanders, lib. 7. fol. 744.

Under this title, Insigne Martyrium Johannis Feltoni, &c. he saith of Felton in this manner: For he, let with the love and zeal of the Catholic faith, when he saw, that the (in a manner) desperate health of his country could not be restored but by some most bitter medicine, would not suffer that this sentence of the sovereign pastors should be hidden from his countrymen and neighbours.—And after the farther report of this fact, thus: But when most diligent inquiry was made thereof, John Felton being at length apprehended, shewed himself a worthy witness of Jesus Christ, and of the Supremacy by him ordained.—Under this title; Illustre Martyrium Johannis Stormi Angli, &c. In the year of our Lord 1571, the 25th of May, being brought to the bar, he was arraigned of High-Treason, as he who had conspired with certain men, in the Low Country, in the city of Antwerp, against Elizabeth, and had attempted to change the schismatical religion, which now reigneth in England, into the Catholic religion. Being permitted to speak for himself, he only pleaded to the jurisdiction of the court, denying that the Judges themselves had any power over him, who was now no subject to the English queen, but rather to the king Catholic.—And after farther discourse, of the speech of Dr. Story, and of his Condemnation, he added thus: Story two days after, writing to his wife, who then remained at Lovain, and complaining of the injustice of this Sentence, he advertised her, that he could easily (if the matter had been tryed before other Judges) confute what was objected against him, touching the Conspiracy made against Elizabeth; whereof he alledged for witness those with whom he was said to have dealed at Antwerp about this matter: but, because he could not be ignorant of that which he well knew, he could not otherwise plead than he had pleaded. His meaning was, that he well knew, that the pretended queen of England, by the declaratory sentence of the pope, was for manifest Heresy, deprived from all right of the kingdom, and from dominion, and that therefore, no magistrate created by her, and adhering to her, could be acknowledged by him, least himself also should be bound with the same curse.—And in the end: Therefore the first day of June so great a Martyr of God, was thrown upon a hurdle, and drawn to the place of execution. And so concludeth with the report of his Execution *.

The First of August, 1581.

Edmund Campion being demanded: Whether he would acknowledge the publishing of these things before recited, by Sanders, Bristow and Allen, to be wicked in the whole, or in any part: and whether he doth, at this present, acknowledge her majesty to be a true and lawful queen, or a pretended queen, and deprived, and in possession of her crown only *de facto*? He answereth to the First: That he meddleth neither to nor fro, and will not farther answer, but requireth that they may answer. To the Second he saith: That this question dependeth upon the fact of Pius Quintus, wherof he is not to judge; and therefore refuseth farther to answer. Edmund Campion. This was thus answered and subscribed by Edmund Campion, the day and year above written, in the presence of us, Owen Hopton, Robert Beal, Jo. Hammond, Thomas Norton.

Short Extracts out of Briant and Sherwin's Confessions.

Alexander Briant.—He is content to affirm, that the queen is his sovereign lady; but he will not affirm, that she is so lawfully, and ought so to be, and to be obeyed by him as her subject, if the pope declare or command the contrary. And he saith, that this question is too high, and dangerous for him to answer.—The 6th of May, 1581, before Owen Hopton, knt. John Hammond, and Thomas Norton. Whether the pope have authority to withdraw from obedience to her majesty, he knoweth not. Alexander Briant. The 7th of May, 1581.

Ralph Sherwin's Examination.

Being asked; Whether the pope's Bull of Deprivation of the queen, were a lawful Sentence or no? He refuseth to answer.—Being asked; Whether the queen be his lawful sovereign, and so ought to continue, notwithstanding any sentence that the pope can give? He doth not answer.—Being again asked; Whether the queen be his sovereign, notwithstanding any sentence that the pope can give? He prayeth to be asked no such question, as may touch his life. Ralph Sherwin. The 12th of Nov. 1580.

Articles *ministered to the Jesuits and Seminary Priests, which are in the Tower, and were condemned; with their Answers to the same,* 13 *May* 1582.

1. Whether the Bull of Pius Quintus †

* A more particular Account of this Dr. Story, and of Felton and the two Norton's will be found at the end of this Article.

† It deposed the queen by declaration, and absolved her subjects from their obedience due to her.

against the queen's majesty be a lawful Sentence, and ought to be obeyed by the subjects of England? 2. Whether the queen's majesty be a lawful queen, and ought to be obeyed by the subjects of England, notwithstanding the Bull of Pius Quintus, or any other Bull or Sentence that the pope hath pronounced, or may pronounce, against her majesty? 3. Whether the pope have, or had power, to authorize the earls of Northumberland and Westmorland *, and other her majesty's subjects, to rebel, or take arms against her majesty, or to authorize Dr. Saunders,† or others, to invade Ireland, or any other her dominions, and to bear arms against her, and whether they did therein lawfully or no? 4. Whether the pope have power to discharge any of her highness's subjects, or the subjects of any christian prince, from their allegiance, or oath of obedience to her majesty, or to their prince, for any cause? 5. Whether the said Dr. Saunders, in his book of the 'Visible Monarchy of the Church, and Dr. Bristow‡, in his Book of Motives (writing in allowance, commendation, and confirmation of the said Bull of Pius Quintus) have therein taught, testified, or maintained a truth, or a falsehood? 6. If the pope do, by his Bull, or Sentence, pronounce her majesty to be deprived, and no lawful queen, and her subjects to be discharged of their allegiance, and obedience unto her; and after, if the pope, or any other, by his appointment and authority, do invade this realm, which part would you take, or which part ought a good subject of England to take?

Luke Kirby's Answer.

To the 1st he saith, that the resolution of this Article dependeth upon the general question; Whether the pope may, for any cause, depose a prince; Wherein his opinion is, that, for some Causes, he may lawfully depose a prince, and that such a sentence ought to be obeyed.—To the 2nd, he thinketh, that, in some cases (as Infidelity, or such like) her majesty is not to be obeyed, against the Pope's Bull and Sentence; for so, he saith, he hath read, that the pope hath so done, *de facto,* against other princes.—To the 3rd, he saith, he cannot answer it.—To the 4th, that the pope (for Infidelity) hath such power, as is mentioned in this Article.—To the 5th, he thinketh, that both Dr. Saunders, and Dr. Bristowe might be deceived, in those Points of their Books; but whether they were deceived or not, he referreth to God.—To the last, he saith, that when the case shall happen, he must then take counsel, what were best for him to do. Luke Kirby. (Witness) John Popham, Thomas Egerton, Da. Lewes, John Hammond.

* Who upon the score of religion rebelled against her, anno 1569.

† Sent into Ireland by Gregory 13, to foment the rebellion.

‡ Both of them affirming that kings may be deposed by the pope.

Thomas Cottom's Answer.

To the first, in this and all other questions, he believeth as the Catholic church (which he taketh to be the church of Rome) teacheth him. And other Answer he maketh not, to any of the rest of these Articles, By me Thomas Cottom, Priest. (Witness) John Popham, Thomas Egerton, Da. Lewes, John Hammond.

Lawrence Richardson's Answer.

To the Fifth Article, he answereth, That so far as Dr. Saunders, and Dr. Bristowe agree with the Catholic doctrine of the church of Rome, he alloweth that doctrine to be true. And touching the first, and all the rest of the Articles, he saith, that, in all matters not repugnant to the Catholic Religion, he professeth obedience to her majesty, and otherwise maketh no Answer to any of them; but believeth therein, as he is taught by the Catholic church of Rome. Law. Richardson. (Witness) John Popham, Tho. Egerton, Da. Lewes, John Hammond.

Thomas Ford's Answer.

To the first, he saith, That he cannot answer, because, he is not privy to the circumstances of the Bull; but, if he did see a bull published by Gregory the 13th, he would then deliver his Opinion thereof.—To the 2nd, he saith, That the pope hath authority to depose a prince, upon certain occasions: And, when such a Bull shall be pronounced against her majesty, he will then answer, what the duty of her subjects, and what her right is.—To the 3rd, he saith, He is a private subject, and will not answer to any of these questions.—To the 4th, he saith, That the pope hath authority, upon certain occasions (which he will not name) to discharge subjects of their obedience to their prince.—To the 5th, he saith, That Dr. Saunders, and Dr. Bristowe be learned men, and whether they have taught truly in their books mentioned in this Article, refereth the Answer to themselves, for himself will not answer.—To the last, he saith, That when that case shall happen, he will make answer, and not before. Thomas Ford. (Witness) John Popham, Thomas Egerton, Da. Lewis, John Hammond.

John Shert's Answer.

To all these Articles, he saith, That he is a Catholic, and swerveth in no point from the Catholic Faith, and in no other sort to any of these Articles he refuseth to answer. John Shert. (Witness) John Popham, Thomas Egerton, Da. Lewes, John Hammond.

Robert Johnson's Answer.

To the first, he saith, He cannot answer.—To the 2nd he saith, He cannot tell what power and authority the pope hath, in the points named in this Article.—To the 3rd, he saith, he thinketh, That the pope hath authority, in some cases, to authorize subjects to take arms against their prince.—To the 4th, he thinketh, That the pope, for some causes, may discharge subjects of their allegiance, and obedience to their natural prince.—To the 5th, he saith, The Answer to this article dependeth

upon the lawfulness of the cause, for the which, the pope hath given sentence against her; but if the cause was just, then he thinketh, the doctrine of Dr. Saunders, and Dr. Bristowe to be true: Whether the cause were just or not, he taketh not upon him to judge. To the last, he saith, That if such deprivation, or invasion, should be made for temporal matters, he would take part with her majesty; but, if it were for any matter of his faith, he thinketh, he were then bound to take part with the pope. ROBERT JOHNSON. (Witness) John Popham, Thomas Egerton, Da. Lewes, John Hammond.

John Hart's Answer.

To the first he saith, That it is a difficult question, and, that he cannot make answer thereto.—To the second, he saith, That her majesty is lawful queen, and ought to obeyed, notwithstanding the Bull supposed to be published by Pius Quintus. But whether she ought to be obeyed, and taken for lawful queen, notwithstanding any Bull, or sentence that the pope can give, he saith, he cannot answer.—To the third, he cannot answer, and farther saith, That he will not meddle with any such questions.—To the fourth, he saith, He is not resolved, and therefore he cannot answer.—To the fifth, he saith, He will not deal with any such questions, and knoweth not, whether Saunders or Bristowe have taught well herein, or not.—To the last, he saith, That when such a case shall happen, he will advise what becometh him to do, for presently he is not resolved. This he did acknowledge to us, after he had fully perused the same; but refused to subscribe to it. (Witnesses) John Popham, Thomas Egerton, Da. Lewes, John Hammond.

William Filbee's Answer.

To the first, he saith, The pope hath authority to depose any prince; and such sentences, when they be promulgated, ought to be obeyed by the subjects of any prince; but touching the Bull of Pius Quintus, he can say nothing; but, if it was such, as it is affirmed to be, he doth allow it, and saith, That it ought to be obeyed. —To the second, he saith, It is a hard question, and therefore, he cannot answer it; but, upon farther advisement, he answereth, as to the first. —To the third, He knoweth not what to say thereunto.—To the fourth, he saith, That so long as her majesty remaineth queen, the pope hath no authority to warrant her subjects to take arms against her, or to disobey her; but if he should depose her, then he might discharge them of their allegiance and obedience to her majesty.—To the fifth, he saith, He will not meddle with the doctrine of Dr. Saunders, and Dr. Bristowe.*—To the last, When this case happeneth, then he saith, he will answer; and if he had been in Ireland when Dr. Saunders was there, he would have done as a priest should have done, that is, to pray that the right may have place. WILLIAM FILBEE. (Witness) John Popham, Thomas Egerton, Da. Lewes, John Hammond.

James Bosgrave's Answer.

To the first, he saith, That in his conscience, and as he shall answer before God, he thinketh, that the Bull, or sentence of excommunication of Pius Quintus against her majesty, was at no time lawful, neither was at any time, or is of any of her majesty's subjects to be obeyed.—To the second, he saith, That her majesty is lawful queen of this realm, and so ought to be taken, notwithstanding any Bull, or sentence that the pope either hath, can, or shall hereafter give. To the third, he thinketh, the pope had no power or authority to license the earls of Northumberland and Westmoreland, or any other of her majesty's subjects, to rebel, or to take arms against her majesty; and like he saith of Dr. Saunders, but he holdeth both Dr. Saunders, and all others, who shall, upon such warrants, take arms against her majesty, to be traitors and rebels.—To the fourth, he saith, That the pope neither hath, nor ought to have any authority to discharge any of her majesty's subjects, or the subjects of any other Christian prince from their allegiance, for any cause whatsoever; and so he thinketh in his conscience.—To the fifth, he affirmeth in his conscience, that Dr. Saunders and Dr. Bristowe, in the books here mentioned, and touching the point here specified, have taught, testified and maintained an untruth, and a falsehood.—To the last, he saith, That whatsoever the pope should do, he would in this case take part with her majesty against the pope, what cause soever he should pretend; and this he taketh to be the duty of every good subject. And this to be his opinion, in all the points above recited, he will be ready to affirm upon his oath. JAMES BOSGRAVE. (Witness) John Popham, Thomas Egerton, Da. Lewes, John Hammond.

Henry Orton's Answer.

To the first, he saith, That he thinketh the Bull of Pius Quintus, was at no time a lawful sentence, or of force, to bind any of her majesty's subjects, and that notwithstanding, her majesty was, and is to be obeyed by every of her subjects.—To the second, he thinketh, that her majesty is to be holden for lawful queen of this

* Foulis observes upon this "This Bristow, born in Worcestershire and bred up a priest in Flanders, had made a little Book which he called his Motives. In his writing he did not only twit queen Elizabeth for not obeying the excommunication Bull of Pius the fifth against her; but also (Motive 40) held that subjects may sometimes be discharged from their subjection, and princes deposed: and then publicly declares the aforesaid earl of Northumberland; the Nortons, Plumtree, and others, to be most glorious Martyrs of the Catholics; though they were deservedly executed as Traitors."—Dod, the Romish historian, speaks highly of this Bristow, and says "His death was a great loss to the cause." E. H. vol. ii. p. 60. Saunders's principles are so well known, that it is unnecessary to speak of them.

realm, and ought to be obeyed by all her subjects, notwithstanding any thing that the pope either hath done, or can do.—To the third, he thinketh the pope neither hath, nor had authority to warrant any of the persons here named, to do as they have done, or any other of her subjects, to take arms against her majesty; and that those who have taken arms against her, upon that, or the like warrant, have done unlawfully.—To the fourth, he thinketh, the pope hath no authority to discharge any subject from his allegiance and obedience to his prince.—To the fifth, he thinketh, that Dr. Saunders and Dr. Bristowe have, in the points mentioned in this article, taught and maintained an untruth and a falsehood.—To the last, he saith, That, in the case here supposed, he would take part with her majesty against the pope, or any other invading the realm by his authority. Henry Orton. (Witness) John Popham, Thomas Egerton, Da. Lewes, John Hammond.

The following Articles, extracted from "Morgan's Phœnix Britannicus," are inserted as throwing some farther light on the treasonable Practices of these times:

The several Confessions of Thomas Norton, and Christopher Norton, two of the Northern Rebels, who suffered at Tyburn, and were drawn, hanged, and quartered for Treason, May 27, 1570. Imprinted at London, by Wm. How, for Rd. Jones.

The Confession of Thomas Norton *which he made at his Death, in form as hereafter followeth.*

On Saturday, being the 27th day of May, Thomas Norton, and Christopher Norton, of Yorkshire, being both condemned of High-Treason against the queen's majesty's person, were delivered, by the lieutenant of the Tower, to the sheriffs of London; and were both laid on a hurdle, and so drawn from the Tower, through the city of London, to Tyburn (the place of execution) having besides many officers, and a multitude of others, a godly preacher riding beside them, always comforting, and earnestly exhorting them, all the way, to acknowledge their fact, to discharge their conscience, and to be truly repentant, and heartily sorry for the same.—And being come to the place of Execution, proclamation was made of the cause of their death. Thomas Norton, the elder man, was first executed, who took his death in this wise. He being come up, and standing upon the cart, with the rope about his neck, the preacher requested him, earnestly, to acknowledge his offence, in rebelling against God and his prince, and to ask God mercy for his sins, and of the queen's majesty forgiveness for his disobedience. He answered; That for the offence made and committed towards the queen's majesty, he had the law for it, and therefore must suffer death, and to that end he was come thither, and so asked God forgiveness for his offences. Then, he being requested by the preacher, to say the Lord's prayer, he immediately began to say the same in Latin. And, being disturbed by the preacher, who willed him to say it as God hath commanded, and, as every true christian ought to do (that is to say) in the vulgar tongue, that all the audience might bear witness how he died a true Christian. Sir, (quoth he) and answered very obstinately, that he would pray in Latin, and therefore prayed him that he would not molest his conscience. Then the Secondary bad him, if he would needs say it in Latin, to say it then secretly to himself; and so he did. His Latin prayers being ended, the preacher, not neglecting his duty, exhorted him very earnestly, to say the Lord's prayer, and the Belief in English, from the bottom of his heart, as every true Christian ought to do. At last, after much exhortation, he granted to say it in English; and so said the Lord's prayer in English, whereunto he added the Ave-Maria, and then the Belief. And then he desired, not only the audience, but also all the Saints in Heaven, to pray for him, both then, and at all times, as well after his death, as then he being alive. Then the preacher bade him put his whole hope and trust in the death and blood-shedding of Christ our Saviour, and by him only hope to be saved. With that the cart was drawn away, and there he hung a certain space, and then was taken down, and quartered, in the presence of his nephew, Christopher Norton, who then presently must drink of the same cup.

The End and Confession of Christopher Norton, *who, as it seemed, died more repentant, and more Christian-like, than his Uncle did.*

Christopher Norton, the younger man, after he had beheld the death of his uncle, as well his quartering, as otherwise, knowing, and being well assured, that he himself must follow the same way, seemed to be very repentant, and heartily sorry for his offence, and immediately kneeled down on the ground, before he came up to the cart, with his face Eastward, and made his prayers unto God: and afterward, stepping up to the cart and then being asked by the preacher, Whether he did believe, and hope to be saved by Christ's death, and blood-shedding? he made Answer; That he did verily so believe, and hoped to be saved by no other means; and, therefore, besought all the audience, who then were present, to bear witness, that he there died a true Christian. And being asked, Whether he did acknowledge, and confess that he had deserved to die? and whether he had not both offended God, and the queen's majesty; he made answer, That he had worthily deserved that death, and therefore besought God, and all men to forgive him. And further, did earnestly exhort all men, to take example by him, for committing the like.

And immediately he did inquire; Whether any there did know one Philip Shurley, who now is captain in Scotland? There were some made Answer; that they did know him. Then he declared, how he was the causer of his death, nevertheless, he did forgive him; and, moreover, besought any who knew him, when time would serve, to let him understand it. This talk being ended, he desired the people that they would pray with him; and when he and the people had said the Lord's Prayer together, then he made his Confession to God in thiswise:—'I Christopher Norton, who am come hither 'to take my death, being justly condemned, by 'the laws of the realm, being sound of body, 'and of a perfect remembrance, do here ac-'knowledge and confess, my good Lord and Sa-'viour, before the Throne of thy majesty, my 'heinous offence, by me committed between 'God and my prince; desiring thee, good 'Lord, from the very bottom of my heart, to 'have mercy on me, miserable and wretched 'sinner, who am now coming to thee, being 'here now ready to die. O most merciful Lord, 'receive me, a sinful wretch, and refuse me 'not, but hearken to my voice.'—With that, the hangman executed his office: and, being hanged a little while, and then cut down, the butcher opened him, and as he took out his bowels, he cried, and said, 'Oh, Lord, Lord, have mercy upon me!' and so yielded up the ghost. Then being, likewise, quartered, as the other was, and their bowels burned, as the manner is, their quarters were put into a basket, provided for the purpose, and so carried to Newgate, where they were parboiled; and afterwards, their heads set on London-Bridge, and their quarters set upon sundry gates of the city of London, for an example to all Traitors and Rebels, for committing High-Treason against God and their prince. God grant it may be a special warning for all men; and God turn the hearts of all those who are maliciously bent against Elizabeth, our queen and sovereign of this realm, and send her a triumphant victory over all her enemies. Amen. God save the Queen.

The End and Confession of John Felton, the rank Traitor, who set up the traitorous Bull on the Bishop of London's gate. Who suffered, before the same gate, for High Treason, against the Queen's Majesty, the 8th day of August, 1570. By J. Partridge. Imprinted at London, by Rd. Johnes, and Tho. Colwell, 1570.

John Felton, he who set up the traitorous Bull on the bishop of London's gate, being attainted of High Treason, and, on Friday, being the 4th of August, 1570, was arraigned, and condemned for the same offence, at the Guild-hall in London; and being there, was then judged to be drawn, hanged and quartered, as most worthily he had deserved. He was had from thence to Newgate, where he remained till Tuesday, being the 8th day of the same aforesaid month of August. The same Tuesday morning, before he came out of Newgate, came to him two or three godly and learned preachers, who diligently counselled him, yea, and very earnestly exhorted him, persuading him, as touching his opinion, by divers good and learned arguments, as well out of diverce and sundry places of the Scriptures, as also, out of the Ancient Fathers, the Doctors of the Church; and he, with much arrogance, answered them, as well as his opinion served him, till, at last, he saw it was so plain, by the manifest scriptures by them alledged; and so, being overcome, he could say no more. And, moreover, his subtle and crafty dealing, being laid to his charge, concerning those whom he had deceived, and was yet indebted to, he made light of it, and said little, or nothing to the matter. Then, being ready to go down to the hurdle, the preachers willed him to reconcile himself to God, and the queen; to take his death patiently; and to acknowledge his heinous fact to be most wicked and detestable, in that he did, so maliciously, set up the traitorous and malignant scroll, termed a Bull; and, moreover, most traitorously denied the Queen's Supremacy; with other heinous, and traitorous words against the queen's majesty, not worthy to be rehearsed; as plainly it did appear at his Arraignment. He answered wilfully, and very obstinately; as for that, he knew well enough what he had done; howbeit, he said, he was sorry for it. Another willed him to remember himself, and put his trust in Christ's death, and thereby only hope to be saved. He answered arrogantly, and contrary to Christ's doctrine, which is the true and sincere religion, That he believed the ancient, and catholic faith, which the holy father, the pope, hath long defended, and said, Whosoever believed any other faith, or held any other opinion, it was most wicked, and erroneous.—Then he came down the stairs, having on a satin doublet, and a gown of grograin; and, being come down to the stairs-foot, he desired the people to pray for him, and besought God, and all of them, to forgive him. Then he was laid upon the hurdle, and drawn along the Old-Bailey, to Paul's Church-yard, where he must suffer; and, by the way, he said the *De profundis*, in Latin, to himself. And, being exhorted by master Young to call for mercy, and only hope to be saved by Christ's death, and bloodshedding, he answered never a word that could be heard or perceived. Then master Beechar the sheriff, said; Ask God mercy, and thy prince, and be sorry for thy Treason committed. Quoth Felton, I am sorry for it; and I ask God heartily mercy. Then being come to the place of execution, he was loosed off the hurdle by two serjeants, and then stripped by the hangman of his grograin gown, and

satin doublet. Then he standing up, quivering and shaking with fear, said, 'Ah, ah, Lord have mercy upon me!' Then being led by the hangman to the foot of the ladder, master sheriff Beechar commanding silence, willed master Christopher, the Secondary of the Compter in the Poultry, to publish a Proclamation, in form and effect as followeth:

'The queen, our sovereign lady, Elizabeth, 'by the grace of God, queen of England, 'France, and Ireland, Defender of the true, an-'cient, and catholic faith, straitly chargeth 'and commandeth, by us her said officers, all, 'and every her loving subjects, on pain that 'shall fall thereof, that all, and every of them, 'whosoever, not appointed to the Execution of 'John Felton, late attainted of High Treason, 'and thereof found Guilty, by the oath of 12 'honest and discreet men, according to her 'highness's Laws, to depart the place; that is 'to say, twenty foot from this place, where 'the said John Felton must receive Execution 'for his High Treason, according to his Judg-'ment; which said John Felton is here ready 'to receive Execution, according to the tenor 'of the Judgment to him appointed. Thus 'willing all and every one, to depart (as afore-'said) that each officer, according to his office, 'in this matter appointed, may do his, or their 'office, without let or disturbance in this be-'half. And thus, God save the queen.'

At which words, all the people, being there then assembled, as it were, with one voice, cried, 'God save the queen!' And, moreover, many wished all those who mean otherwise, might come to the same end. Then Felton hung down his head, and said nothing, that either might be heard, or supposed by sight. The Proclamation being ended, he kneeled down, and said the 51st psalm, in Latin. Then he stepped up the ladder, and turned his face to the Bishop's gate, and said; 'Good people I desire you all to bear witness, that I take it on my death, that I never meaned hurt, or harm, or any Treason toward my prince, but only that, which I did, in setting up the Bull.' Then master Young said; Lo, will ye see how he would clear himself of the heinous Treason by him committed? Then the Secondary said; Felton, thou hast been attainted of High-Treason, and found Guilty by the oath of twelve true and honest men, and therefore, acknowledge thy Treason and be sorry for it, and ask God and thy prince forgiveness. And then master Beechar the sheriff, openly, before all the people, said; Thou wast justly condemned of High Treason, and surely so thou art the rankest traitor that ever I heard of; and therefore, ask the queen forgiveness, and I pray God that he may forgive thee. Then Felton said; I desire you good Mr. Sheriffs, to show the queen's majesty, that I never meaned any Treason against her grace. Mr. Beechar said; She shall be certified as we have found by thee. Then Felton willed them to show to her grace, That he was most heartily sorry for his fact that he was condemned for, and that he besought her grace to forgive him. That is well said, quoth master sheriff Beechar, and bad him will all the people to forgive him, and to pray for him; and even so he did. And then he said, O Lord, into thy hands I commend my spirit, in English; and as he was saying it in Latin, *In manus tuas Domine*, he was turned off the ladder; and hanging there six turns, he was cut down, and carried to the block, and there his head was smitten off, and held up, that the people might see it: whereat the people gave a shout, wishing that all Traitors were so served. Then he was quartered, and carried to Newgate to be parboiled, and so set up as the other rebels were.—God save the Queen.

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59. Arraignment, Judgment, and Execution of John Story, for Treason: 14 Eliz. A. D. 1571. [Extracted from a Declaration of the Life and Death of John Story, late a Roman Canonical Doctor, by Profession. Imprinted at London, by Thomas Colwell, 1571. Seen and allowed, &c. A. D. 1598.]

After the death of queen Mary, so soon as our most dear sovereign lady came to the possession of the crown and that she had called a parliament, chiefly for the restitution of God's blessed Word, and the true administration of the Sacraments to God's high honour, and also for the amendment of the decayed state of this realm; John Story, being of the Parliament House, who was an enemy to all godly Reformations, did with great vehemency speak against the Bill that was there exhibited for the Restitution of the Book of Common-Prayer, and said these words: 'I did often-times, in queen Mary's time, say to the Bishops, that they were too busy with Pecora campi (for so it pleased him to term the poor commons of England) chopping at twiggs, but I wished to have chopped at the root; which if they had done, this gere had not come now in question:' and herein most traiterously he meaned the destruction of our dear and sovereign lady queen Elizabeth. For which words spoken, in such an audience and in such vehement manner, there was no honest nor true heart that heard him but did utterly abhor him.—And soon after that he had declared his traiterous heart to the queen's highness, and his conscience accusing him, he fled and lurked about in sundry cor-

ners, as did Cain when he had murdered his brother Abel. But at the last he was taken in the West-Country, riding before a mail in a freize coat like a serving-man, and was apprehended in the highway by one Mr. Aylewörth, a gentleman, one of the queen's servants, and brought before the Council, and after sent to prison to the Queen's-Bench (for more than suspicion of Treason) in the first year of her highness's reign.—And after the said Story had remained there a while, he espying his time and by the help of his friends (as commonly such lewd papists lack none) he broke the said prison, and fled again beyond the seas, namely into Flanders, and there not only practised divers wicked and traiterous enterprizes towards our sovereign lady the queen's majesty and the state of this realm, by sundry conferences that he had with such as have of late rebelled and conspired the destruction of the same; but also he became an open and common enemy to every good subject of this realm of England, and obtained in Flanders, of the duke of Alva, a commission and authority to practise his old cruelty, and to arrest and apprehend all such Englishmen's goods as should arrive in those countries, or who did traffique out of England into those parts, or from thence into England, and to confiscate the same, by reason of which authority he used there such extremity, that he was the spoiler and undoer of divers merchants, and of more would have been, if he had longer continued; wherefore the said merchants were inforced to study and devise some remedy, and to practise some way or means how to remove this cumbersome man from them.

And among other devices, they having experience of him to be a greedy and ravenous wolf, put into his head (by such as he suspected not) that there was a prey for him of English goods, in a ship that lay in a certain place which was named unto him, where he should find such a treasure of goods to be confiscated, as would be sufficient for him during his life. The wolf being hungry and desirous of this great prey, set forward, and came into a ship that promised to bring him to the place where the prey was. But, to be short, as soon as he was entered the ship, the same brought him clear away out of Flanders into England, and landed him at Harwich, in the month of August last past.

And soon after, knowledge being given to the queen's honourable Council of his landing, he was brought to London, and there he was committed to prison to the Lollards Tower, in Powles, where he continued a while, that he might well peruse that place wherein he had most cruelly tormented many a good Christian. But he lacked there one thing, which was the monstrous and huge Stocks, that he and Bonner, his old faithful friend, had used to turmoil and persecute the poor and innocent Christians in, hanging some therein by the heels so high, that only their heads lay on the ground: some were stocked in both feet and arms; some also were stocked by both their feet and by both their thumbs, and so did hang in the stocks: and some also were stocked by both their feet, and chained by the neck, with collars of iron made fast behind them to a post in the wall, and such other devilish and tyrannous engines and devises by him practised. These at his being in the Lollards Tower he missed, and great pity it was that he had not tasted of them: but alack, the good bishop Grindel, late bishop of London, had burned and consumed them with fire.

After that Story had continued a certain of time in the Lollards Tower, and had been divers times examined, he was from thence removed to the Tower of London, where he remained until the 26th of May 1571. And then was he brought from thence into Westminster-Hall, before the Judges of the Queen's-Bench, and there arraigned: and after the Indictment had been read unto him, the effect whereof was: That whereas, Richard Norton, Thomas Markenfield, Christopher Nevill, Francis Norton and Thomas Jenny, alias Jennings, with other Traitors, after their offences committed in the North, and being thereof indicted in the 12th year of the queen's highness's reign, before the right honourable Thomas earl of Sussex, lord president of the queen's council in the North parts, John lord Darcy, &c. they after their Indictment did the 23rd of June, in the year aforesaid, embark themselves in sundry ships and fled this realm, unto Antwerp in Brabant, which is under the government of king Philip, and there, contrary to their allegiance, did lead their lives; and the aforesaid John Story, D. W. P. and J. P. being born in England and the queen's subjects, did with them conspire, compass, and imagine the queen's death, and her highness to depose and deprive.—And by divers persuasions and letters did also procure Strangers to invade this realm of England, did receive comfort and help them at Antwerp aforesaid, against their Allegiance, &c.

And after the Indictment read, he being called upon by the Court to answer to the same, pleaded that he was not the queen's subject, nor had not been these seven years, but was the subject of the most catholic and mighty prince king Philip, king of Spain, to whom he was sworn, and had in fee of him one hundred pounds by the year; therefore, said he, I am not bound to answer to that Indictment, neither will I answer unto it. And here he used many pretty taunts, as well to the Judges as also pleasing himself with giving of pretty nips and girds. And very stoutly he maintains his former Plea, affirming also, that they were not his lawful Judges, neither that they had law to proceed against him, being none of the queen's subjects. And then, being demanded where he was born? he answered, In England. Then, said they, it followeth that you are subject to the laws of this realm, and should be so to our queen. Whereunto he replied, and said, That God commanded Abra-

him to go forth from the land and country where he was born, from his friends and kinsfolk into another country; and so he following his example, for conscience sake in Religion did forsake his country and the laws of this realm, and the prince also, and had wholly given himself to the service of a foreign governor, king Philip, king of Spain. And hereupon he stood very stoutly, but to small purpose.

Then when he perceived that they would proceed in Judgment against him, he said, They had no law so to do. And with that he turned him about to the people, and said, Good people, I trust ye see how violently I am used; and how unjustly, and contrary to all justice and equity they use me. And he added, That he had good hope, that he was not destitute of some friends there, who would give notice and knowledge to the most Catholic prince his master, how cruelly they dealed with him. And then again, being called upon to answer, one said unto him, Master Story, because you think it violence that is shewed unto you, instead of law and justice; you shall know that we do nothing but that we may do, both by law and equity.

And then one of the Judges said, This is Scarborough's Case. Nay, said Story, my Case is not Scarborough's Case, but indeed I had Scarborough's warning to come to this Arraignment; for I knew nothing thereof until seven of the clock in the morning.

Then there was a Book delivered him to read, wherein he might see what they might do by law: and after he had read it, the Judge demanded of him how he liked it? and he answered, God have mercy upon me. Then the Lord Chief-Justice gave him Judgment, to be drawn, hanged, and quartered; and so was he again sent unto the Tower.

And as he went by the way, certain persons in several places met with him, and one said, O Story, Story! thou art a strange Story: remember master Bradford, that godly man; his blood asketh vengeance on thee, Story; repent in time. Another cried on him and said, Story, call to mind the rigour thou shewedst upon master Read, a gentleman, whom thou didst utterly destroy: ask God forgiveness, Story, for that wicked deed. Another cried unto him and said, Blessed be God, Story, who hath made thee partaker of such bread as thou wast wont to deal to the innocent members of Jesus Christ. Another also cried out upon him, and said, Story, Story, the abominable cup of fornication and filthiness, that thou hast given others to drink, be heaped up topful, that thy plagues may be the greater at the terrible day of God's wrath and vengeance, unless thou ask mercy for thy filthy, corrupt and stinking life. And yet again, another cried out unto him and said, I pray God that thy heart be not hardened, as was Pharoah's, and made harder than the adamant-stone, or the steel; that when he would he could not repent and call for grace.

And among all the rest, one came to him, at London-Stone, and saluted him with this Metre, saying;

Master doctor Story,
For you they are right sorry,
The court of Louaine and Rome:
Your holy father, the pope,
Cannot save you from rope,
The hangman must have your gown.

To whom he answered not one word.

The 1st day of June, the said Mr. Story was drawn upon a hurdle from the Tower of London unto Tyburn; where was prepared for him a new pair of gallows, made in triangle manner. And by the way, as he went, many people spake unto him, and called unto him to repent his tyranny and wickedness; and willed him to call upon God for mercy: but he lay as though he had been asleep, and would not speak to any person. And when he was taken from the hurdle, and set in a cart, he made there a solemn Protestation, and said:

"I am come hither to die: and truly, if this death were ten times more fierce and sharp than it is, I have deserved it: I have lived the space of threescore and seven years; and now my body must abide this temporal pain and punishment, provided for me here in this life, by means whereof, my days shall be cut off. But, where at the first I stood in fear of death, I thank God, this night passed I have been so comforted with God and godly men, that the fear of death is taken from my sight. And now I appeal to God the Father, trusting in the Passion of his Son Jesus Christ, and hoping, by the shedding of his blood only to be saved. And although of a long time I could not apply the virtue of his Passion and Death to the use and benefit of my soul, because of my long hovering in fear; yet now, I thank God, I know how to apply this medicine; as for example: an Apothecary may have a medicine in his shop seven years, that may help a sick or diseased man, by the counsel of a physician; but if this medicine be not applied to the patient, but still remaineth in the Apothecary's shop, it profiteth nothing. No more, said he, could the benefit of Christ's death help me; because, though I knew the medicine good, I did not apply it unto my soul's health: but now it hath pleased Almighty God to call me to account of my 67 years, which now must have an end, and this corrupt body must feel a temporal punishment, for my sins have deserved it (as I said before) I am now come to the proof of this medicine. David, when he had committed adultery with Bathsheba, the wife of Uriah, (whose husband also he caused to be put into the front of the battle, and so was murdered:) he for that trespass felt a temporal punishment, by the loss of his son, which he loved tenderly. Also, when he numbered his people, he greatly displeased God: and for his offence and transgression, he felt a temporal pain: and choice was given unto him from above, to chuse one of these three temporal and bodily punishments: that is to say; three days Pestilence: the Sword; that is to

say, Bloody Battle seven years; or Famine seven years. And he thought to chuse the least; and he chose three days Pestilence: but this scourge took away an infinite number of his subjects. So now as my sins deserve a temporal pain, which here have an end, even in this flesh; I am of the same mind that the prophet David was: and with him I agree, saying, *Invoco te Domine*, &c. Lord, I call upon thee in this day of my trouble, hear me, O Lord, out of thy dwelling place, &c.

"But now to speak a little of my Arraignment: when I was at Westminster, I alledged in my Plea, That I was no subject of this realm; as I did likewise before the queen's commissioners, sir Tho. Wroth, Mr. Tho. Wilbraham, late Recorder of London, Mr. Peter Osborne, Mr. Marshe, and Mr. Dr. Wattes; where the Recorder of London made the like demand as was demanded of me at Westminster: and that was, whether I was born in England, or no? whereunto I answered, I was. Then said he, it followeth that you are and ought to continue the queen's faithful subject. Whereunto I replied then, as I do now, saying; I am sworn to the noble king, defender of the ancient Catholic faith, king Philip, of Spain: and he is sworn again by a solemn and corporal Oath, to maintain and defend the University of Lovaine, whereof I am a member; and therefore no subject of this realm, nor yet subject to any laws thereof; For it is well known, that I departed this realm being freely licensed thereunto by the queen, who accounted me an abject and cast-away; and I came not hither again of my own accord, but I was betrayed. And although I had an inkling given me before of such a thing pretended towards me, yet I could not shun nor escape it: for sure it was God who made dim my understanding, and blinded mine eyes, so that I could not perceive it. But Holy Writ commandeth me to love my enemies; and here I forgive them freely with all my heart; beseeching God that they take no harm for me in another country; I would be right sorry they should, although they betrayed me. I travelled with them from ship to ship, by the space of eight days, and mistrusted no peril to be at hand, until I was clapped fast under the hatches. But sure, sure, it was God who wrought it: yea, and although I was accounted a poller of the Englishmen of your country, I stand now here before God, and by the death I shall die, I had never out of any ship more than two pieces of gold, and forty dollars that were laid in my hand.

"But once again, to my arraignment; where there were certain Letters laid to my charge, wherein I should go about to provoke the Nortons, the Nevills, and others to rebel; I never meaned it: yet will I discharge my conscience freely and frankly, and tell you truth. There was a Commission for like matter sent into Scotland, which I wrote with mine own hand: but it contained a Proviso, wherein the queen of England and her dominions were excepted.

"There are yet two things that I purpose to talk of: namely, for that there are here present a great number of youth; and I would to God I might say or speak that which might bring all men to the unity of the church; for there is but one church, one flock, and one shepherd: if I could this do, I would think myself to have wrought a good work. The first point toucheth my Cruelty, wherewith I am sore burthened: and the second concerneth my Religion. As touching the first: There were three in Commission, of which I was one who might do least, for I was the last of the three. And though I might, by persuasion, assay to cause them to revoke the Articles which they had maintained, and to confess the presence, wherein I stand: ye know that he who chideth, is not worthy to be condemned for fighting; no more am I worthy to be counted cruel for chiding. It was the bishop who pronounced the sentence (*Excommunicamus*) and against that I could not do, for I was one of the laity. Yet oftentimes the Bishop, to whom I was a servant, was bold with me, when he had so many prisoners that he could not well bestow them. For at one time the lord Kitche sent him out of Essex 28, and at another time 16, and 14, and some of them were sent to me, whom I kept in my house with such fare as I had provided for myself and my family, at mine own cost and charge.—And to prove that I was not so cruel as I am reported to be, let this one tale suffice: there were at one time 28 condemned to the fire, and I moved the dean of Paul's to tender their state, who after was Abbot of Westminster, a very pitiful minded man, I think most of you know him; it is M. Feckman, and we went by and persuaded with them, and, we found them very tractable; and master Feckman and I laboured to the lord cardinal Poole, shewing that they were *nescientes quid fecerunt*.—The cardinal and we did sue together to the queen, and laid both the swords together, and so we obtained pardon for them all, saving an old woman who dwelt about Paul's church-yard; she would not convert, and therefore she was burned. The rest of them received absolution, and that with all reverence. Search the Register and you shall find it. Yea, and it was my procurement that there should be no more burned in London; for I saw well that it would not prevail, and therefore we sent them into odd corners into the country. Wherefore, I pray ye, name me not cruel; I would be loth to have any such slander run on me: but sith I die in charity, I pray you all of charity to pray for me, that God may strengthen me with patience to suffer my death: to the which I yield most willingly.—And here I make a Petition to you my friends, who would have bestowed any thing on me: I beseech you, for charity-sake, bestow it yearly on my wife, who hath four small children, and God hath now taken me away who was her staff and stay: and now my daughter Weston and her three children are gone over to her, and I know not how they shall do for food, unless they go a begging from door to

door for it: although, indeed, no English persons do beg but of English, being helped by the lady Dorm, and sir Francisco. I have good hope that you will be good unto her, for she is the faithfullest wife, the lovingest and constantest that ever man had: and twice we have lost all that ever we had, and now she hath lost me, to her great grief, I know.

"The second Point that I thought to speak of is concerning my Religion, for that I know many are desirous to know what faith I will die in: the which I will briefly touch.: I say with St. Jerome, that ancient father and pillar of the old ancient, catholic, and apostolic church, grounded upon the patriarchs, prophets and apostles, that in the same faith that I was born in, I purpose to die in. And as the Ark that Noah and his family did possess, figured the ship of Christ's Church, out of which ship whosoever is cannot be saved, in that ship am I: example, A ship that is tossed on the floods is often in danger of loss on the sands, and sometimes on the rocks: but when the men who are in the ship espy present peril at hand, there is a cockboat at the tail of the ship, whereunto they fly for succour: so likewise, I being in the ship of Christ, once fell out of the same ship and was in present peril and great danger: but then I, following the example of a good mariner, took the cockboat, thinking for to land; and at the last, being in the boat, I espied three oars, that is to wit, Contrition, Confession, and Absolution; and I held all these fast, and ever since I have continued in the ship of Christ, of which the Apostle Peter is the guide and principal, and in the faith Catholic of my king I die."

Then said the earl of Bedford; Are you not the queen's subject? No, said Story, yet I do not exclude the queen, but I pray for her, her council, and the nobility of this realm long to continue. Then said the lord Hunsdon, Are you not the queen's subject? You was born in England. Then said Story, Every man is free-born, and he hath the whole face of the earth before him to dwell and abide in where he liketh best; and if he cannot live here, he may go elsewhere. Then was there (as I think) one of the ministers hearing him to make so light of our noble queen and country, demanded of him, Whether she were not next, and immediately under God, Supreme Head of the Churches of England and Ireland? whereunto he answered, I come not hither to dispute, but if she be, she is: My Nay will not prevail to prove it otherwise.

And then they cried, 'Away with the cart.' And so he was hanged according to his Judgment.

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60. The Trial of Dr. William Parry,* at Westminster, for High Treason: 26 Eliz. Feb. 25, A. D. 1584.

The Commissioners were, Henry lord Hunsdon, Governor of Berwick; Sir Francis Knolles knt. Treasurer of the queen's majesty's household; Sir James Croft knt. Comptroller of the same household; Sir Christopher Hatton knt. Vicechamberlain to her majesty; Sir Christopher Wray knt. Chief Justice of England; Sir Gilbert Gerrard knt. Master of the Rolls; Sir Edmund Anderson knt. Chief Justice of the Common Pleas; Sir Roger Manwood knt. Chief Baron of the Exchequer; and Sir Thomas Hennage knt. Treasurer of the Chamber.

* "In the beginning of this year, queen Elizabeth discovered a Conspiracy of which William Parry was the author. He was a gentleman of Wales, member of the house of commons, and had signalized his zeal for the Catholic religion in opposing alone a Bill which was preferred in the lower house against the Jesuits. He spoke upon that occasion with so much passion and vehemence, that he was committed to custody: but his submission being made he was in a few days admitted to his place in the house again. Hardly was he at liberty when Edmund Nevil, who laid claim to the inheritance of the earl of Westmoreland lately deceased in the Low Countries, accused him of conspiring against the queen; whereupon he was sent to the Tower. He owned that he had a design to kill the queen, and was persuaded thereto by Morgan an English Catholic refugee in France: that he held intelligence with Jesuits, the pope's nuntios and cardinals: that the better to deceive the queen and get free access to her person, he returned from France into England, and discovered the whole Conspiracy to her: that afterwards, repenting of his wicked intention, he left off his dagger every time he went to her, lest he should be tempted to commit the murder: but that at length cardinal Allen's book, wherein he maintains it to be not only lawful, but honourable to kill princes excommunicated, falling into his hands, he read it, and felt himself strongly encouraged to pursue his first design: that Nevil his accuser coming to dine with him, proposed the attempting something for the deliverance of the queen of Scots, to which he answered, he had a greater design in his head: that a few days after Nevil coming to see him, they resolved to kill the queen, as she rode abroad to take the air, and swore upon the Bible to keep the secret: but that in the mean while, Nevil hearing the news of the earl of Westmoreland's death, accused him, in hopes of procuring thereby the earl's inheritance to which he laid claim. Upon this confession, he was condemned to die, and executed accordingly." Rapin.

The Court being sat; First, three Proclamations for silence were made, according to the usual course in such cases. Then the Lieutenant was commanded to return his precept; which he did, and brought the Prisoner to the bar: to whom Miles Sandes esq. Clerk of the Crown, said, William Parry, hold up thy hand: and he did so. Then said the Clerk of the Crown, Thou art here indicted by the oaths of twelve good and lawful men of the county of Middlesex, before sir Christopher Wray, knight, and others, who took the Indictment by the name of William Parry, late of London, gentleman, otherwise called William Parry, late of London, doctor of the law; for that thou, as a false Traitor against the most noble and Christian princess queen Elizabeth, thy most gracious sovereign and liege lady, not having the fear of God before thine eyes, nor regarding thy due allegiance, but being seduced by the instigation of the devil, and intending to withdraw and extinguish the hearty love and due obedience which true and faithful subjects should bear unto the same our sovereign lady, didst at Westminster, in the county of Middlesex, on the first day of February, in the 26th year of her highness's reign, and at divers other times and places in the same county, maliciously and traitorously conspire and compass, not only to deprive and depose the same our sovereign lady of her royal estate, title and dignity, but also to bring her highness to death, and final destruction, and sedition in the realm to make, and the government thereof to subvert, and the sincere religion of God established in her highness's dominions to alter and subvert. And that whereas thou Wm. Parry, by the Letters sent unto Gregory bishop of Rome, didst signify unto the same bishop thy purposes and intentions aforesaid, and thereby didst pray and require the same bishop to give thee Absolution; that thou afterwards, that is to say, the last day of March, in the 26th year aforesaid, didst traitorously receive Letters from one called cardinal de Como, directed unto thee Wm. Parry, whereby the same cardinal did signify unto thee, that the bishop of Rome had perused thy Letters, and allowed of thine intent; and that to that end he had absolved thee of all thy sins, and by the same Letter did animate and stir thee to proceed with thine enterprize; and that thereupon thou, the last day of August, in the 26th year aforesaid, at St. Giles in the Fields, in the same county of Middlesex, didst traitorously confer with one Edmund Nevil esq. uttering to him all thy wicked and traitorous devices, and then and there didst move him to assist thee therein, and to join with thee in those wicked Treasons aforesaid, against the peace of our said sovereign lady the queen, her crown and dignity. What sayst thou, William Parry, Art thou guilty of these Treasons whereof thou standest here indicted, or Not Guilty?

Then *Parry* said, Before I plead Not Guilty, or confess myself Guilty, I pray you give me leave to speak a few words; and with humbling himself, began in this manner: God save queen Elizabeth, and God send me grace to discharge my duty to her, and to send you home in charity. But touching the matters that I am indicted of, some were in one place, and some in another, and done so secretly as none can see into them, except that they had eyes like unto God; wherefore I will not lay my blood upon the Jury, but do mind to confess the Indictment. Containeth it but the parts that have been openly read, I pray you tell me? Whereunto it was answered, that the Indictment contained the parts he had heard read, and no other. Whereupon the Clerk of the Crown said unto Parry, Parry, thou must answer directly to the Indictment, whether thou be Guilty or not.

Then said *Parry*, I do confess that I am Guilty of all that is therein contained; and further too, I desire not life, but desire to die. Unto which the Clerk of the Crown said, If you confess it, you must confess it in manner and form as it is comprized in the Indictment. Whereunto he said, I do confess it in manner and form as the same is set down, and all the circumstances thereof. Then the Confession being recorded, the queen's learned counsel being ready to pray Judgment upon the same Confession, Mr. Vice-Chamberlain said, These matters contained in this Indictment, and confessed by this man, are of great importance; they touch the person of the queen's most excellent majesty in the highest degree, the very state and well-being of the whole Commonwealth, and the truth of God's Word established in these her majesty's dominions, and the open demonstration of that capital envy of the Man of Rome, that hath set himself against God and godliness, all good princes and good government, and against good men. Wherefore, I pray you, for the satisfaction of this great multitude, let the whole matter appear, that every one may see that the matter of itself is as bad as the Indictment purporteth, and as he hath confessed. Whereto in respect that the justice of the realm hath been of late very impudently slandered, all yielded as a thing necessary to satisfy the world in particular, of that which was but summarily comprised in the Indictment, though in the law his Confession served sufficiently to have proceeded thereupon unto Judgment. Whereupon the lords and others the commissioners, her majesty's learned counsel, and Parry himself agreed, that Parry's Confession, taken the 11th and 13th of Feb. 1584, before the lord of Hunsdon, master vice-chamberlain, and master secretary) and cardinal de Como's Letters, and Parry's Letters to the Lord Treasurer and Lord Steward, should be openly read.

And Parry, for the better satisfying of the people and standers-by, offered to read them himself; but being told that the order was, the Clerk of the Crown should read them, it was so resolved of all parts. And then Master Vice Chamberlain caused to be shewed to Parry his said Confession, the Cardinal's Letter, and his own Letter aforesaid; which after he had particularly viewed every leaf thereof,

he confessed, and said openly they were the same.

Then said Master Vice-Chamberlain; Before we proceed to shew what he hath confessed, what say you, said he to Parry, is that which you have confessed here true? and did you confess it freely and willingly of yourself, or was there any extort means used to draw it from you? Surely, said Parry, I made that Confession freely without any constraint, and that is all true, and more too; for there is no Treason that hath been since the first year of the queen, any way touching religion, saving receipt of Agnus Dei's, and persdading of others, wherein I have not much dealt, but I have offended in it. And I have also delivered mine opinion in writing, who ought to be Successor to the crown, which is said to be Treason also.

Then his Confession of the 11th and 13th of February, all of his own hand-writing, and hereafter particularly set down, was openly and distinctly read by the clerk of the crown.

The Voluntary Confession of William Parry, doctor of the laws (now prisoner in the Tower), and accused of Treason by Edmund Nevil, esq. promised by him (with all faith and humility) to the queen's majesty, in discharge of his conscience, and duty towards God and her: before the lord Hunsdon, lord governor of Berwick; sir Christopher Hatton knight, vice-chamberlain; sir Francis Walsingham knight, principal secretary; the 13th of February 1584.

"In the year 1570, I was sworn her majesty's servant, from which time until the year 1580, I served, honoured, and loved her with as great readiness, devotion and assurance, as any poor subject in England. In the end of that year, and until Midsummer 1582, I had some trouble for the hurting of a gentleman of the Temple.* In which action I was so disgraced and oppressed by two great men (to whom I have of late been beholden) that I never had contented thought since. There began my misfortune, and here followeth my woeful fall.—In July after, I laboured for licence to travel for 3 years, which (upon some consideration) was easily obtained. And so in August, I went over with doubtful mind of return; for that being suspected in Religion, and not having received the Communion in 22 years, I began to mistrust my advancement in England. In Sept. I came to Paris, where I was reconciled to the Church, and advised to live without scandal; the rather, for that it was mistrusted by the English catholics, that I had intelligence with the greatest counsellor of England. I staid not long there, but removed to Lyons (a place of great traffic) where, because it was the ordinary passage of our nation to and fro, between Paris and Rome, I was also suspected.

To put all men out of doubt of me, and for some other cause, I went to Milan, from whence, as a place of some danger, (though I found favour there) after I had cleared my conscience, and justified myself in Religion before the Inquisitor, I went to Venice. There I came acquainted with father Benedicto Palmio, a grave and learned jesuit. By conference with him of the hard state of the catholics in England, and by reading of the book 'De Persecutione Anglicana,' and other discourses of like argument; 1. I conceived a possible mean to relieve the afflicted state of our catholics, if the same might be well warranted in religion and conscience by the pope, or some learned divines. I asked his opinion; he made it clear, commended my devotion, comforted me in it, and after a while made me known to the nuncio Campeggio, resident there for his holiness. By his means I wrote to the pope, presented my service, and sued for a passport to go to Rome, and to return safely into France. Answer came from cardinal Como, that I might come, and should be welcome. I misliked the Warrant, sued for a better, which I was promised: but it came not before my departure to Lyons, where I promised to stay some time for it. And being indeed desirous to go to Rome, and loth to go without countenance, I desired Christophero de Salazar, secretary to the catholic king in Venice, who had some understanding by conference of my devotion to the afflicted catholics at home and abroad, to commend me to the duke di Nova Terra, governor of Milan, and to the count of Olivaris Embi, then resident for the king his master in Rome: which he promised to do effectually for the one, and did for the other. And so I took my journey towards Lyons, whither came for me an ample passport (but somewhat too late) that I might come and go, *in verbo Pontificiis per omnes Jurisdictiones Ecclesiasticas, absque impedimento.* I acquainted some good fathers there, of my necessity to depart towards Paris by promise, and prayed their advices upon divers points; wherein I was well satisfied. And so assuring them that his holiness should hear from me shortly, it was undertaken that I should be excused for that time.—In October I came to Paris, where (upon better opinion conceived of me amongst my catholic countrymen) I found my credit well settled, and such as mistrusted me before, ready to trust and embrace me. And being one day at the chamber of Thomas Morgan a catholic gentleman (greatly beloved and trusted on that side) amongst other gentlemen, talking (but in very good sort) of England, I was desired by Morgan to go up with him to another chamber; where he brake with me, and told me that it was hoped and looked for, that I should do some service for God and

* Parry having committed a great outrage against Mr. Hugh Hare, of the Inner-Temple, with an intent to have murdered him in his chambers, was tried for the same and convicted; which prompted him to go beyond sea, where becoming acquainted with Jesuits, they engaged him in a design to kill the Queen.

his Church. I answered him, I would do it, if it were to kill the greatest subject in England; whom I named, and in truth then hated. No, no, said he, let him live to his greater fall and ruin of his house.—2. It is the queen I mean. I had him as I wished, and told him it were soon done, if it might be lawfully done, and warranted in the opinion of some learned divines. And so the doubt once resolved, (though as you have heard I was before reasonably well satisfied) I vowed to undertake the enterprize, for the restitution of England to the antient obedience of the See Apostolic. Divers divines were named: Dr. Allein I desired, Parsons I refused; and by chance came master Watts a learned priest, with whom I conferred, and was over-ruled.—3. For he plainly pronounced (the Case only altered in name) that it was utterly unlawful; with whom many English priests did agree, as I have heard, if it be not altered since the Book made in Answer to the "Execution of the English Justice" was published, which I must confess hath taken hard hold in me, and (I fear me) will do in others, if it be not prevented by more gracious handling of the quiet obedient Catholic subjects, whereof there is good and greater store in England, than this age will extinguish. Well, notwithstanding all these doubts, I was gone so far by Letters and Conference in Italy, that I could not go back, but promised faithfully to perform the Enterprise, if his holiness, upon my Offer and Letters would allow it, and grant me full remission of my sins.—4. I wrote my Letters the 1st of Jan. 1584, by their computation; took advice upon them in confession of father Anibal à Codreto, a learned Jesuit in Paris; was lovingly embraced, commended, confessed, and communicated at the Jesuit's at one altar with the cardinals of Vandosmí and Narbone, whereof I prayed certificate, and enclosed the same in my letter to his holiness, to lead him the rather to absolve me; which I required by my letters, in consideration of so great an enterprize undertaken without promise or reward.—5. I went with Morgan to the nuncio Ragazzoni, to whom I read the Letter and Certificate enclosed, sealed it, and left it with him to send to Rome; he promised great care of it, and to procure Answer: and so lovingly embraced me, wished me good speed, and promised that I should be remembered at the Altar.—6. After this I desired Morgan, that some special man might be made privy to this matter, lest he dying, and I miscarrying in the execution, and my intent never truly discovered, it might stick for an everlasting spot in my race. Divers were named, but none agreed upon, for fear of betraying.—7. This being done, Morgan assured me, that shortly after my departure, the lord Fernehurst (then in Paris) should go into Scotland, and be ready upon the first news of the queen's fall to enter into England with 20 or 30,000 men to defend the queen of Scotland (whom, and the king her son, I do in my conscience acquit of any privity, liking, or consent to this, or any other bad action, for any thing that I ever did know.) I shortly departed for England, and arrived at Rye in Jan. 1583, from whence I wrote to the court, advertised some, that I had a special service to discover to the queen's majesty.—8. Which I did more to prepare access and credit, than for any care I had of her person, though I were fully resolved never to touch her (notwithstanding any Warrant) if by any device, persuasion, or policy she might be wrought to deal more graciously with the Catholics than she doth, or, by our manner of proceeding in parliament meaneth to do, or any thing yet seen. I came to the Court (then at Whitehall) prayed audience, had it at large, and very privately discovered to her majesty this Conspiracy, much to this effect, though covered with all the skill I had. She took it doubtfully, I departed with fear. And amongst other things, I cannot forget her majesty's gracious speech then uttered touching the Catholics, which of late after a sort I avowed in parliament: She said to me, that never a catholic should be troubled for Religion or supremacy, so long as they lived like good subjects, whereby I mistrusted that her majesty is borne in hand, that none is troubled for the one or the other. It may be truly said, that it is better than it hath been, though it be not yet as it should be.—In March last, while I was at Greenwich (as I remember) suing for St. Catharine's, came Letters to me from cardinal Como, dated at Rome, the last of January before; whereby I found the Enterprize commended and allowed, and myself absolved, in his holiness's name, of all my sins, and willed to go forward in the name of God. That letter I shewed to some in Court, who imparted it to the queen; what it wrought, or may work in her majesty, God knoweth; only this I know,—9. That it confirmed my resolution to kill her, and made it clear in my conscience, that it was lawful and meritorious. And yet was I determined never to do it, if either policy, practice, persuasion, or motion in parliament could prevail. I feared to be tempted, and therefore always when I came near her I left my dagger at home.—10. When I looked upon her majesty and remembered her many excellencies, I was greatly troubled: and yet I saw no remedy, for my Vows were in heaven, my Letters and Promises in earth; and the case of the Catholic Recusants, and other, little bettered. Sometimes I said to myself, Why should I care for her? What hath she done for me? Have I not spent 10,000 marks since I knew her service, and never had penny by her; It may be said, she gave me my life, But I say (as my case stood) it had been tyranny to take it; and I fear me it is little less yet. If it please her graciously to look into my Discontentments, I would to Jesus Christ she had it, for I am weary of it. And now to come to an end of this Tragical Discourse: in July I left the Court, utterly dejected, discontented, and as her majesty might perceive by my passionate Letters, careless of myself. I came to London: Dr. Allein's Book

was sent me out of France.—11. It redoubled my former conceits; every word in it was a warrant to a prepared mind: It taught that kings may be excommunicated, deprived, and violently handled; It proveth that all wars civil or foreign undertaken for Religion, are honourable. Her majesty may do well to read it, and to be out of doubt (if things be not amended) that it is a warning, and a doctrine full dangerous. This is the Book I shewed, in some places read, and lent it to my cousin Nevil (the Accuser) who came often to mine house, put his finger in my dish, his hand in my purse; and the night wherein he accused me, was wrapped in my gown, six months at least after we had entered into this Conspiracy: In which space her majesty, and ten princes in several provinces, might have been killed. God bless her majesty from him; for before Almighty God, I joy and am glad in my soul, that it was his hap to dicover me in time, tho' there were no danger near.—And now to the manner of our Meetings. He came to me in the beginning of August, and spake to me in this or like sort. Cousin, let us do somewhat, sithence we can have nothing. I offered to join with him, and gladly heard him, hoping because I knew him to be a Catholic, that he would hit upon that I had in my head; but it fell not out so. He thought the delivery of the queen of Scotland easy, presuming upon his credit and kindred in the North: I thought it dangerous to her, and impossible to men of our fortunes: He fell from that to the taking of Berwick. I spake of Quinborough and the Navy, rather to entertain him with discourse, than that I cared for those motions, my head being full of a greater matter.—12. I told him that I had another matter of enterprize, more honourable and profitable to us, and the catholic's Commonwealth, than all these, if he would join in it with me, as he presently vowed to do: He pressed to know it; I willed him to sleep upon the motion: He did so, and (belike overtaken) came to me the next morning to my lodging in London, offered to join with me, and took his oath upon a Bible, to conceal and constantly to pursue the Enterprize for the advancement of Religion; which I also did, and meant to perform: the killing of the queen was the matter.—The manner and place, to be on horseback, with eight or ten horses when she should ride abroad about St. James's, or some other like place. It was once thought fit in a garden, and that the escape would be easiest by water into Sheppy, or some other part; but we resolved upon the first.—This continued as agreed upon many months, until he heard of the death of Westmoreland, whose land and dignity (whereof he assured himself) bred belike this conscience in him to discover a Treason in February contrived and agreed upon in August. If it cost him not an ambitious head at last, let him never trust me. He brought a tall gentleman (whom he commended for an excellent pistolier) to me to Chanon-Row, to make one in the match: but I refused to deal with him, being loth to lay my head upon so many hands.—Master Nevil hath (I think) forgotten, that he did swear to me at divers times, that all the advancement she could give, should serve but for her scourge, if ever time and occasion should serve; and that though he would not lay hand upon her in a corner, his heart served him to strike off her head in the field. Now leaving him to himself, this much (to make an end) I must confess of myself, I did mean to try what might be done in parliament, to do my best to hinder all hard courses, to have prayed hearing of the queen's majesty to move her (if I could) to take compassion upon her Catholic subjects: and when all had failed, to do as I intended. If her majesty by this course would have eased them, though she had never preferred me, I had with all comfort and patience borne it.—13. But if she had preferred me without ease or care of them, the Enterprise had held. Parry."—God preserve the Queen, and incline her merciful heart to forgive me this desperate Purpose; and to take my head (with all my heart) for her better satisfaction.

After which, for the better manifesting of his Treasons, on the 14th of February, last, there was a Letter written by him to her majesty, very voluntarily, all of his own hand, without any motion made to him; the tenour whereof, for that which concerneth these his trairous dealings, is as followeth:

A Letter *written by Parry to her Majesty.*

"Your majesty may see by my voluntary Confession, the dangerous fruits of a discontented mind; and how constantly I pursued my first conceived purpose in Venice, for the relief of the afflicted Catholics; continued it in Lyons, and resolved in Paris to put it in adventure for the restitution of England to the antient obedience of the See Apostolic. You may see withal, how it is commended, allowed, and warranted in conscience, divinity, and policy, by the Pope and some great divines: though it be true or likely, that most of our English divines, less practised in matters of this weight, do utterly mislike and condemn it.—The Enterprize is prevented, and Conspiracy discovered by an honourable gentleman, my kinsman and late familiar friend, master Edmund Neril, privy and by solemn oath, taken upon the Bible, party to the matter, whereof I am heartily glad, but now sorry, in my very soul, that ever I conceived or intended it, how commendable or meritorious soever I thought it. God thank him, and forgive me, who would not now, before God, attempt it, if I had liberty and opportunity to do it, to gain your kingdom. I beseech Christ, that my death and example may as well satisfy your majesty and the world, as it shall glad and content me.—The queen of Scotland is your prisoner; let her be honourably entreated, but yet surely guarded.—The French king is French, you know it well enough, you will find

him occupied when he should do you good; he will not lose a pilgrimage to save you a crown. I have no more to say at this time, but that with my heart and soul I do now honour and love you; am inwardly sorry for mine offence, and ready to make you amends by my death and patience. Discharge me *à culpâ*, but not *à pœnâ*, good lady. And so farewell, most gracious, and the best-natured and qualified queen that ever lived in England. From the Tower, the 14th of February, 1584. W. Parry."

This done, the cardinal di Como his Letter in Italian was delivered unto Parry's hand, by the direction of Mr. Vice-chamberlain; which Parry there perused, and openly affirmed to be wholly of the cardinal's own hand-writing, and the seal to be his own also, and to be with a cardinal's hat on it: And himself did openly read it in Italian.

A mon Signore, mon Signore Guglielmo Parry.

"Mon signore, la santita di N. S. ha veduto le Lettere di V. S. del primo con la fede inclusa, et non puo se non laudare la buona dispositione et risolutione che scrivé di tenere verso il servitio et beneficio publico, nel che la santita sua lessorta di perseverare, con farne riuscire li effetti che V. S. promette: Et acciochè tanto maggiormente V. S. sia ajutata da quel buon spirito che l'ha mosso, le concede sua Beneditione, plenaria Indulgenza et Remissione di tutti li peccati, secondo che V. S. ha chiesto, assicurandos si che oltre il merito, che n'haverà in cielo, vuole anco sua santita constituirsi debitore a riconoscere li meriti di V. S. in ogni miglior modo che potra, et cio tanto piu, quanto che V. S. usa maggior modestia in non pretender niente. Metta dunque ad effetto li suoi santi et honorati pensieri, et attenda astar sano. Che per fine io me le offeto di core, et le desidero ogni buono et felice successo. Di Roma a 30 di Gennaro, 1584. Al piacer di V. S. N. Cardinale di Como."

The words bearing sense as it were written to a bishop, or to a man of such a degree, it was demanded of him by Mr. Vice-Chamberlain, Whether he had not taken the degree of a Bishop? He said, No: But said at first, those terms were proper to the degree he had taken. And after said, That the cardinal did vouchsafe, as of a favour, to write so to him. Then the Copy of that Letter in English was in like manner openly read by the Clerk of the Crown; which Parry then acknowledged to be truly translated.

Cardinal de Como's Letter to Wm. Parry, January 30th, 1584, by account of Rome.

"Mon signor, the holiness of our Lord hath seen the letter of your signory, of the first, with the assurance included, and cannot but commend the good disposition and resolution, which you write to hold towards the service and benefit public: Wherein his holiness doth exhort you to persevere, with causing to bring forth the effects which your signory promiseth. And to the end you may be so much the more holpen by that good spirit which hath moved you thereunto, his blessedness do grant to you plenary indulgence and remission of all your sins, according to your request; assuring you, that besides the merit that you shall receive therefore in Heaven, his holiness will further make himself debtor, to re-acknowledge the deservings of your signory in the best manner that he can: And that so much the more, in that your signory useth the greater modesty, in not pretending any thing. Put therefore to effect your holy and honourable thoughts, and attend your health. And to conclude, I offer myself unto you heartily, and do desire all good and happy success. At the pleasure of your signory, N. Card. of Como."

And thereupon was shewed unto Parry his Letter of the 18th of February, written to the Lord Treasurer, and the Lord Steward: which he confessed to be all of his own hand-writing, and which was read accordingly.

William Parry's Letter to the Lord Treasurer, and the Earl of Leicester.

"My lords, now that the Conspiracy is discovered, the fault confessed, my conscience cleared, and mind prepared patiently to suffer the pains due for so heinous a crime; I hope it shall not offend you, if crying *Miserere*, with the poor publican, I leave to despair with cursed Cain. My case is rare and strange, and, for any thing I can remember, singular: A natural subject solemnly to vow the death of his natural queen, so born, so known, and so taken by all men, for the relief of the afflicted Catholics, and restitution of Religion. The matter first conceived in Venice, the service, in general words, presented to the Pope, continued and undertaken in Paris; and lastly, commended and warranted by his holiness, digested and resolved in England, if it had not been prevented by accusation, or by her majesty's greater lenity, and more gracious usage of her catholic subjects. This is my first and last offence conceived against my prince or country, and doth, I cannot deny, contain all other faults whatsoever. It is now to be punished by death, or most graciously, beyond all common expectation, to be pardoned. Death I do confess to have deserved; life I do, with all humility, crave, if it may stand with the queen's honour, and policy of the time. To leave so great a Treason unpunished, were strange: to draw it by my death in example, were dangerous. A sworn servant to take upon him such an enterprize, upon such a ground, and by such a warrant, hath not been seen in England: To indict him, arraign him, bring him to the scaffold, and to publish his offence, can do no good: To hope that he hath more to discover than is confessed, or that at his Execution he will unsay any thing he hath written, is in vain: to conclude, that it is impossible for him in time to make some part of amends, were very hard, and against former experiences. The question then is, Whether it is better to kill him, or (lest the matter be mistaken) upon hope of his amendment to pardon him: For mine own opinion,

though partial, I will deliver you my conscience. The Case is good queen Elizabeth's, the offence is committed against her sacred person, and she may (of her mercy) pardon it without prejudice to any. Then this I say, in few words, as a man more desirous to discharge his troubled conscience, than to live: Pardon poor Parry, and relieve him; for life without living is not fit for him. If this may not be, or be thought dangerous, or dishonourable to the queen's majesty (as by your favours, I think it full of honour and mercy) then I beseech your lordships (and no other) once to hear me before I be indicted, and afterwards, if I must die, humbly to intreat the queen's majesty to hasten my Trial and Execution, which I pray God (with all my heart) may prove as honourable to her as I hope it shall be happy to me; who will while I live (as I have done always) pray to Jesus Christ for her majesty's long and prosperous reign.—From the Tower, the 18th of February, 1584. W. Parry."

These matters being read openly, for manifestation of the matter, Parry prayed leave to speak: Whereto Mr. Vice-Chamberlain said, If you will say any thing for the better opening to the world of those your foul and horrible facts, speak on; but if you mean to make any excuse of that which you have confessed, which else would have been and do stand proved against you, for my part, I will not sit to hear you.

Then her majesty's Attorney-General *Popham* stood up and said, It appeareth before you my lords, that this man hath been indicted and arraigned of several heinous and most horrible Treasons, and hath confessed them, which is before you of record; wherefore there resteth no more to be done, but for the Court to give Judgment accordingly, which here I require in the behalf of the queen's majesty.

Then said *Parry*, I pray you hear me for discharging of my conscience. I will not go about to excuse myself, nor to seek to save my life: I care not for it; you have my confession of record, that is enough for my life: And I mean to utter more, for which I were worthy to die. And said, I pray you hear me, in that I am to speak to discharge my conscience.

Then said Mr. Vice-Chamberlain, Parry, then do thy duty according to conscience, and utter all that thou canst say concerning those thy most wicked facts.

Then said *Parry*, My cause is rare, singular, and unnatural, conceived at Venice, presented in general words to the pope, undertaken at Paris, commended and allowed of by his holiness, and was to have been executed in England, if it had not been prevented. Yea, I have committed many Treasons, for I have committed Treason in being reconciled, and Treason in taking absolution. There hath been no Treason sithence the first year of the queen's reign touching Religion, but that I am guilty of, (except for receiving of Agnus Dei's, and persuading, as I have said, and yet never intending, to kill queen Elizabeth) I appeal to her own knowledge, and to my Lord Treasurer's, and master Secretary's.

Then said my lord *Hunsdon*, Hast thou acknowledged it so often, and so plainly in Writing under thy hand, and here of record; and now, when thou shouldest have thy Judgment according to that which thou hast confessed thyself guilty of, dost thou go back again, and deny the effect of all? How can we believe that thou now sayest?

Then said Master Vice-Chamberlain, This is absurd; thou hast not only confessed generally, that thou wert Guilty, according to the Indictment, which summarily, and yet in express words, doth contain, that thou hadst traiterously compassed and intended the Death and Destruction of her majesty; but thou also saidst particularly, that thou wert guilty of every of the Treasons contained therein, whereof the same was one, in plain and express Letter set down, and read unto thee. Yea, thou saidst that thou wert guilty of more Treasons too besides these. And didst thou not upon thy Examination, voluntarily confess, how thou wast moved first thereunto by mislike of thy state after thy departure out of the realm, and that thou didst mislike her majesty, for that she had done nothing for thee; how by wicked Papists and Popish Books thou wert persuaded that it was lawful to kill her majesty; how thou wert by reconciliation become one of that wicked sort, that held her majesty for neither lawful queen nor christian, and that it was meritorious to kill her? And didst thou not signify that thy purpose to the Pope by letters, and receivedst Letters from the Cardinal, how he allowed of thine intent, and excited thee to perform it, and thereupon didst receive absolution? And didst thou not conceive it, promise it, vow it, swear it, and receive the Sacrament that thou wouldst do it? And didst not thou thereupon affirm, that thy vows were in heaven, and thy letters and promises on earth to bind thee to do it? and that whatsoever her majesty would have done for thee, could not have removed thee from that intention or purpose, unless she would have desisted from dealing, as she hath done, with the catholics, as thou callest them? All this thou hast plainly confessed; and I protest before this great assembly, thou hast confessed it more plainly and in better sort than my memory will serve me to utter: and sayest thou now, that thou never meantest it?

Ah, said Parry, your honours know how my Confession, upon mine Examination, was extorted.—Then both the lord Hunsdon and Master Vice-Chamberlain affirmed that there was no torture or threatening words offered him.—But Parry then said, that they told him, that if he would not confess willingly, he should have torture: whereunto their honours answered, that they used not any speech or word of torture to him. You said, said Parry, that you would proceed with rigour against me, if I would not confess it of myself.—But their Honours expressly affirmed, that they used no

such words. But I will tell thee, said Master Vice-Chamberlain, what we said. I spake these words: If you will willingly utter the truth of yourself, it may do you good, I wish you to do so; if you will not, we must then proceed in ordinary course to take your examination. Whereunto you answered, that you would tell the truth of yourself. Was not this true? Which then he yielded unto.

And hereunto her majesty's attorney-general put Parry in remembrance what speeches he used to the lieutenant of the Tower, the queen's majesty's serjeant at law, master Gawdie, and the same attorney, on Saturday the 20th of February last, at the Tower, upon what he was by them then examined by order from the lords; which was, that he acknowledged he was most mildly and favourably dealt with in all his Examinations: which he also at the bar then acknowledged to be true.

Then Mr. Vice-Chamberlain said, that it was a wonder to see the magnanimity of her majesty, which, after that thou hadst opened those traiterous practices in sort as thou hast laid it down in thy confession, was nevertheless such, and so far from all fear, as that she would not so much as acquaint any one of her highness's privy council with it, to his knowledge, no not until after this thine enterprize discovered and made manifest. And besides that which thou hast set down under thine own hand, thou didst confess, that thou hadst prepared two Scotish daggers, fit for such a purpose; and those being disposed away by thee, thou didst say, that another would serve thy turn. And withal, Parry, didst thou not also confess before us, how wonderfully thou wert appalled and perplexed upon a sudden, at the presence of her majesty at Hampton-Court this last summer, saying, that thou didst think, thou then sawest in her the very likeness and image of king Henry 8.? And that therewith and upon some speeches used by her majesty, thou didst turn about and weep bitterly to thyself? And yet didst still call to mind that thy vows were in heaven, thy letters and promises on earth; and that therefore thou didst say with thyself, that there was no remedy but to do it? Didst thou not confess this? The which he acknowledged.

Then said the Lord Hunsdon, sayest thou now, that thou didst never mean to kill the queen? Didst thou not confess, that when thou didst utter this practice of treachery to her majesty, that thou didst cover it with all the skill thou hadst, and that it was done by thee, rather to get credit and access thereby, than for any regard thou hadst of her person. But in truth thou didst it, that thereby thou mightest have better opportunity to perform thy wicked enterprize. And wouldst thou have run into such fear as thou didst confess that thou wert in, when thou didst utter it, if thou hadst never meant it? What reason canst thou shew for thyself?

With that he cried out in a furious manner, I never meant to kill her: I will lay my blood upon queen Elizabeth and you, before God and the world. And thereupon fell into a rage and evil words with the queen's majesty's attorney-general.

Then said the lord Hunsdon, this is but thy popish pride and ostentation, which thou wouldst have to be told to thy fellows of that faction, to make them believe that thou diest for popery, when thou diest for most horrible and dangerous Treasons against her majesty, and thy whole country. For thy laying of thy blood, it must lie on thine own head, as a just reward of thy wickedness. The laws of the realm most justly condemn thee to die, out of thine own mouth, for the conspiring the destruction both of her majesty, and of us all: therefore thy blood be upon thee; neither her majesty nor we at any time sought it, thyself hast spilt it.

Then he was asked, What he could say, why Judgment of Death ought not to be awarded against him? Whereunto he said, he did see that he must die, because he was not settled.—What meanest thou by that? said Mr. Vice-Chamberlain. Said he, look into your Study and into your new Books, and you shall find what I mean.—I protest, (said his Honour) I know not what thou meanest: thou dost not well to use such dark Speeches, unless thou wouldest plainly utter what thou meanest thereby. But he said, he cared not for Death, and that he would lay his blood amongst them.

Then spake the Lord Chief Justice of England, being required to give the Judgment, and said: Parry, you have been much heard, and what you mean by being settled, I know not; but I see you are so settled in popery, that you cannot settle yourself to be a good subject. But touching that you should say, to stay Judgment from being given against you, your speeches must be of one of these kinds, either to prove the Indictment (which you have confessed to be true) to be insufficient in law: or else to plead somewhat touching her majesty's mercy, why justice should not be done of you. All other speeches wherein you have used great liberty, is more than by Law you can ask. These be the matters you must look to, what say you to them? Whereto he said nothing.

Then said the Lord Chief Justice: Parry, thou hast been before this time indicted of divers most horrible and hateful Treasons, committed against thy most gracious sovereign and native country: The Matter most detestable, the Manner most subtle and dangerous, and the occasions and means that led thee thereunto most ungodly and villainous. That thou didst intend it, it is most evident by thyself. The matter was the destruction of a most sacred and an anointed queen, thy sovereign and mistress, who hath shewed thee such favour, as some thy betters have not obtained; yea, the overthrow of thy country wherein thou wert born, and of a most happy commonwealth whereof thou art a member, and of such a queen, as hath bestowed on thee the benefit of all benefits in this world, that is, thy life, here-

tofore granted thee by her mercy, when thou hadst lost it by justice and desert. Yet thou her servant, sworn to defend her, meant'st, with thy bloody hand, to have taken away her life, that mercifully gave thee thine when it was yielded into her hands: This is the Matter wherein thou hast offended. The Manner was most subtle and dangerous, beyond all that before thee have committed any wickedness against her majesty: For thou making shew as if thou wouldest simply have uttered for her safety the evil that others had contrived, didst but seek thereby credit and access, that thou mightest take the apter opportunity for her destruction. And for the occasions and means that drew thee on, they were most ungodly and villainous, as the persuasions of the pope, of Papists, and popish books. The pope pretendeth that he is a pastor, when as in truth he is far from feeding of the flock of Christ, but rather as a wolf, seeketh but to feed on, and to suck out the blood of true Christians, and as it were thirsteth after the blood of our most gracious and Christian queen. And these Papists and Popish Books, while they pretend to set forth divinity, they do indeed most ungodly teach and persuade that which is quite contrary both to God and his Word; for the Word teaches obedience of subjects towards princes, and forbiddeth any private man to kill; but they teach subjects to disobey princes, and that a private wicked person may kill; yea, and who is? A most godly queen, and their own natural and most gracious sovereign. Let all men therefore take heed how they receive any thing from him, hear or read any of their books, and how they confer with any Papists. God grant her majesty, that she may know by thee, however she trust such like to come so near her person. But see the end, and why thou didst it, and it will appear to be a most miserable, fearful, and foolish thing; for thou didst imagine that it was to relieve those that thou callest catholics, who were most likely amongst all others to have felt the worst of it, if thy devilish practice had taken effect. But sith thou hast been indicted of the Treasons comprised in the Indictment, and thereupon arraigned, and hast confessed thyself guilty of them, the court doth award, that thou shalt be had from hence to the place whence thou didst come, and so drawn through the open city of London upon an hurdle, to the place of execution, and there to be hanged and let down alive, and thy privy parts cut off, and thy entrails taken out and burnt in thy sight; then thy head to be cut off, and thy body to be divided in four parts, and to be disposed of at her majesty's pleasure: And God have mercy on thy soul.

Parry (persisting still in his rage and passion) said, I here summon queen Elizabeth to answer for my blood before God.

Whereupon the lieutenant of the Tower was commanded to take him from the bar, and so he did: and as he was going away the people cried out, 'Away with the Traitor, away with him:' whereupon he was conveyed in a barge to the Tower again by water. Upon the 2d of March ensuing he was delivered by the lieutenant of the Tower, early in the morning, to the sheriffs of London and Middlesex, who received him at Tower-hill; and according to the Judgment caused him to be forthwith set on an hurdle, on the which he was drawn through the midst of the city of London unto the place for his execution in Palace-yard Westminster, where having long time of stay permitted him before his execution, he impudently denied that he was ever guilty of any intention to kill queen Elizabeth; and so (without any request to the people to pray for him, or using any outward prayer himself) he was turned off, and executed according to the Sentence.

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61. Inquisition of a Jury of the City of London before the Coroner, had upon occasion of the Death of the Earl of NORTHUMBERLAND: With a Report of his Treasons: 27 ELIZ. A. D. 1585. [Somers' Tracts. 4 Coll. vol. 3. p. 420.]

[THIS Article, though not strictly a Trial, is republished from the Somers's Tracts, because the earl of Northumberland who is the subject of it, had been before found Guilty, by his own Confession, of conspiring to deliver the queen of Scots out of the earl of Shrewsbury's custody; and also because at the time of his death, he was imprisoned under a charge of Treason. The transaction throws some light upon the History of queen Elizabeth, and Mary queen of Scots.]

A true and summary Report of the Declaration of some part of the Earl of Northumberland's Treasons, delivered publickly in the Court at the Star-Chamber by the Lord Chancellor and others of her majesty's most honourable Privy Council, and Council learned, by her majesty's special commandment; together with the Examinations and Depositions of sundry persons, touching the manner of his most wicked and violent Murder, committed upon himself with his own hand, in the Tower of London, the 20th day of June, 1585. In ædibus C. Barker, Printer to the queen of England, her most excellent majesty.

To the READER.

MALICE, among other essential properties

appertaining to her ugly nature, hath this one not inferior to the rest and the worst, Incredulity, wherewith she commonly possesseth the minds and affections of all those that are infected with her, so blinding the eyes and judgment of the best and clearest sighted, that they cannot see or perceive the bright beams of the truth, although the same be delivered with never so great purity, proof, circumstance, and probability. It is said, that no truth passeth abroad unaccompanied with her contrary, and as they go, truth is ever constrained to yield the precedence and pre-eminence to her yoke-fellow falshood, whose lodging is always first made and prepared without a harbinger in the corrupt nature of mankind by whom he is first received, entertained and harboured at all times: whereof in our daily experience there happen many and dangerous demonstrations, especially in matters of the highest moment, tending to excuse or accuse the actions of the greatest personages.—There was of late delivered in publick by persons of honour, credit and reputation, a large Declaration of certain Treasons practised by the late earl of Northumberland, of the manner of his untimely Death, being with his own hand murdered in the Tower, and of the causes that wrought him thereunto: the particularities whereof are such and so many, as for the help of my memory (coming then to the Star-chamber by occasion, and not looking for any such presence of the nobility and privy council as I found there at that time, and not looking for any such cause of that nature to have been handled there that day) I took notes of the several matters declared by the Lord Chancellor, Mr. Attorney, and Solicitor-General, the Lord Chief Baron, and Mr. Vice Chamberlain: for, as I remember, they spoke in order as they are here marshalled, and therefore I place them in this sort, and not according to their precedence in dignity.—Upon hearing of the Treasons, with their Proofs and Circumstances, and the desperate manner of the earl's destruction delivered in that place, and by persons of that quality, I supposed no man to have been so void of judgment, or the use of common reason, that would have doubted of any one point or particle thereof, until it was my chance (falling in company with divers persons at sundry times, as well about the city of London as abroad) to hear many men report variably and corruptly of the manner and matter of this publick Declaration, possessing the minds and opinions of the people with manifest untruths: as, that the earl had been unjustly detained in prison, without proof or just cause of suspicion of Treason: and that he had been murdered by device and practice of some great enemies, and not destroyed by himself. These slanderous reports have ministered unto me this occasion to set forth unto thy view and consideration, gentle reader, this short collection of the said Treasons and Murder, as near unto the truth as my notes taken may lead and permit me, with the view of some of the examinations themselves concerning this cause, for my better satisfaction since obtained: which I have undertaken for two respects; the one, to convince the false and malicious impressions and constructions received, and made of these actions, by such as are in heart enemies to the happy estate of her majesty's present government: the other, because it may be thought necessary for the preventing of a further contagion, like to grow, by this creeping infection, in the minds of such as are apt, though otherwise indifferent, in these and the like rumours, to receive the bad as the good, and they the most in number. Wherein, if I have seemed more bold than wise, or intermeddled myself in matters above my reach, and appertaining unto me, I crave pardon where it is to be asked, and commit myself to thy friendly interpretation to be made of my simple travail, and dutiful meaning herein.

Upon the 23rd day of June last, assembled in the Court of Star-chamber, sir Thomas Bromley, knt. Lord Chancellor of England, William Lord Burleigh, Lord High Treasurer of England, George earl of Shrewsbury, Lord Marshal of England, Henry earl of Derby, Robert earl of Leicester, Charles lord Howard of Effingham, Lord Chamberlain, Henry lord Hunsdon, Lord Governor of Berwick, sir Francis Knollis knt. Treasurer, sir James Crofte, knt. Comptroller of her Majesty's Houshold, sir Christopher Hatton, knt. Vice-Chamberlain to the Queen's Majesty, the Lord Chief Justice of her Majesty's Bench, the Master of the Rolls, and the Lord Chief Baron of the Exchequer, and others; the audience very great of knights, esquires, and men of other quality, the Lord Chancellor began briefly and summarily to declare, that whereas Henry late earl of Northumberland, for divers notable Treasons and Practices, by him taken in hand, to the danger, not only of her majesty's royal person, but to the peril of the whole realm, had been long detained in prison, and looking into the guilt of his own conscience, and perceiving by such means of intelligence, as he, by corrupting of his keepers, and other like devices, had obtained, that his Treasons were by sundry Examinations and Confessions discovered, grew thereby into such a desperate estate, as that thereupon he most wickedly destroyed and murdered himself; which being made known to the lords of her majesty's Privy Council, order was thereupon taken, and direction given to the Lord Chief Justice of England, the Master of the Rolls, and the Lord Baron of the Exchequer, to examine the manner and circumstances of his Death, which they with all good endeavour and diligence had accordingly performed. And lest, through the sinister means of such persons as be evil-affected to the present estate of her majesty's government, some bad and untrue conceits might be had, as well of the cause of the earl's detainment, as of the manner of his Death, it was therefore thought necessary to have the truth thereof made known in that presence: and then he

required her majesty's learned council there present, to deliver at large the particularities, both of the Treasons, and in what sort the earl had murdered himself. Then began John Popham, esq. her majesty's Attorney General, as followeth:

The earl of Northumberland, about the time of the last Rebellion in the North, in the 11th year of her majesty's reign (then called by the title of Henry Piercy, knt.) had undertaken the conveying away of the Scotish queen; for the which, as appeareth by a record of the 14th year of her majesty's reign, in the court of her majesty's Bench he was indicted, he confessed the offence, and put himself to her majesty's mercy. At which time, upon his said Confession, Submission, and faithful promise of his duty and allegiance to her highness from thenceforth, the queen's majesty, of her merciful nature, was pleased not to look into his offence with the extremity of her laws, but dealt therein, as by way of contempt only, as may appear by the Record; the effect whereof was then shewed in court, under the hand of one of the Clerks of her majesty's said Bench, *in hæc verba*:

'Middlesex.

'*Mem.* That Henry Piercy, late of Tinmouth, 'in the County of Northumberland, knt. was 'indicted in the term of Easter, in the 14th 'year of her majesty's reign, for that he, with 'divers others, did conspire for the delivering 'of the queen of Scots out of the custody of 'the earl of Shrewsbury: upon which Indict-'ment the same Henry Piercy did confess the 'offence, and did put himself to the queen's 'mercy, and thereupon Judgment was after 'given by the court, that the said Henry should 'pay to the queen for a fine for his said offence, '5000 marks, as appeareth by the Record 'thereof in court. *Per* Micha. 14 & 15 Elizab. '*Reginæ, Rotulo quinto inter placita Reginæ. Concordat cum Recordo. Per* Jo. Ive.'

By this Record it may appear, that the earl had his hand in that Rebellion. But for a further proof thereof, it is most manifestly discovered in a certain Tract, written by the bishop of Ross, wherein he sheweth how faithfully he behaved himself in the managing of those Treasons, at and about the time of that Rebellion, that the said earl was, in effect, as far plunged into the same, as the late earl his brother, howsoever he wound himself out of the danger at that time.—Notwithstanding these traiterous practices, the queen's majesty was contented to remit all within a short time, and then accepted most graciously of him both in honour and favour, though unworthily bestowed upon him; for that he utterly forgetting those graces and favours received at her majesty's merciful hands, with a graceless resolution was contented to enter into a new Plot, now lately contrived, not only for delivering the Scotish queen, but for the invading of the whole realm, the overthrow of the government, as well concerning the State of Religion, as otherwise, the danger of her majesty's sacred person, and advancing of the said Scotish queen to the regal crown and scepter of this realm, whereunto her majesty is lineally and lawfully born and descended, and wherein God of his mercy continue her long, in happy state of government, to the increase of her own glory, and the comfort of her loving and obedient subjects.

Then did master Attorney enter into the particularities of the Treasons, leaving many parts thereof untouched, because the case stood so as it was not then convenient to reveal them, as he said, in respect that they touched some other persons undealt withal at that time, shewing that Throckmorton's Treasons were not old, but fresh in every man's memory, and how far forth they reached unto the earl, he declared. And for that the Treasons of Throckmorton tended especially to the invading of the realm with foreign forces, the purpose of that invasion long before intended, is proved by sundry Examinations and Confessions taken here within the realm, as well of her majesty's own subjects as others, by letters intercepted, written from and to the conspirators abroad and at home, and by other good advertisements and intelligences had from foreign parts, discovering the same. He declared, that in a Letter, written from Dr. Sanders to Dr. Allen out of Spain, in the year 1577, it is set down, among other things, that the State of Christendom stood upon the stout assailing of England.—That in a Letter sent to the same Allen from Rome, touching audience given by the Pope to the ambassadors of certain foreign princes, between the pope and whom a league was agreed on against the queen's majesty, there were inclosed certain Articles, containing in effect, that the realm should be invaded with 20,000 men, at the charge of the said pope and princes, that her majesty should be deposed, and some English catholic elected king.—That it was confessed, that the coming over of so many priests into the realm, was to win great numbers to the catholic party, to join (if opportunity served) either with foreign invasion, or with tumult at home.—That at Narbonne in Provence, there was met an Englishman, being the head preacher there, who gave intelligence to one of her majesty's subjects, that the realm should shortly be invaded by a foreign king, and the popish religion restored: and said further, that priests came into England, and dispersed themselves in counties, to make their party strong.—A message was sent in Nov. 1581 to Dr. Allen, from a subject of this realm, by a seminary priest then returning beyond the seas, that whereas he had received word from Allen at Allhallow-Tide before, that men and all things were in a readiness, if the place of landing might be known; that Allen should forthwith send word whether things were in such readiness or not; and if they were, he would then send him such perfect instructions as he could.—One Payne, executed for Treason, confessed, that this realm could not continue in the state wherein it was; for that the

pope had a special care thereof, and would in a short time, either by foreign princes, or by some other means, work a change of things here.

From hence, Mr. Attorney fell into the Treasons confessed by Francis Throckmorton, shewing, that the state of this realm had been often presented to the consideration of a foreign prince, who, after long hearkening to the motion, had resolved to yield what furtherance he might, and to give all aids necessary for the reforming of religion, so they might be backed by such as were well affected within this country.—That the duke of Guise had solicited for two years together the pope and other princes, to supply him with forces: But being crossed by the death of a great personage, it was now grown to this pass, if there could be a party found in England to join in that action, and convenient places and means for landing, and other things necessary, there should be a supply for Guise of foreign strength.—Francis Throckmorton was recommended from beyond the seas to don Bernardino de Mendoza, ambassador resident for the Spanish king here in England, who acquainted Throckmorton what plot was laid for the enterprize of the duke of Guise, and that he was willed to confer with Throckmorton in the matter: who thereupon acquainted the said ambassador with the plot of the havens, and with the noblemen and gentlemen that he had set down as fit to be dealt withal in that cause.—Throckmorton said, That the bottom of this enterprize (which was not to be known to many) was, that if a toleration of religion might not be obtained without alteration of the government, that then the government should be altered, and the queen removed.—That the Scotish queen was made acquainted from the duke of Guise with the intention to relieve her by these forces.—It was in Debate between Throckmorton and the Spanish ambassador, how the Scotish queen might be delivered, as by an enterprize to be made with a certain number of horse: And that it was told Francis Throckmorton by his brother Thomas Throckmorton, that it was a principal matter in debate, beyond the seas, how she might be delivered with safety; the lack of resolution wherein was the principal stay of the execution of the attempt of invasion.—Mendoza told Francis Throckmorton about Bartholomew-Tide 1583, that one Moape was come into England to sound the earl of Northumberland and other principal men in Sussex; and about the end of September following, the same Mendoza told him, that Moape was Charles Paget, and that he came not only to sound the men, but to view the places, the havens, the provisions and means, and nearness and commodity of men's abidings that should join with the foreign forces.—It was devised, that such noblemen and others as would be contented to assist the foreign forces (being justices of peace and of credit in their counties) might, by colour of their authority, levy men as for her majesty's defence, and yet employ them to assist the foreign forces. The lord Paget was made acquainted with this devise, and answered, that it was a good course, and that he had thought upon it before.—Mendoza told Throckmorton, that Charles Paget had been in Sussex, and had spoken with those that were there, and that he came to move the earl of Northumberland and others.—The night before Throckmorton was apprehended, he came to the lord Paget, and desired him that he would not acquaint the earl of Northumberland and certain others (whom he named) with such matters as had passed between them two, touching the practice of this invasion: And the lord Paget willed him to deal as wisely for his part as he would for himself, and all should be well: But, quoth the lord Paget, the earl of Northumberland knoweth you well enough.—It was once agreed among the confederates, that the duke of Guise should land in Sussex, being over against Diepe and Normandy; which after was misliked, because those parts lay too near to her majesty's greatest force and store, and that the people thereabouts for the most part were protestants.

Master Attorney shewed further, That in Summer last, there was taken upon the seas, sailing towards Scotland, a Scotish Jesuit, about whom there was found a discourse, written in Italian, of a like enterprize to be attempted against England, which should have been executed in September or October then last past; wherein assurance is made, that the earls of Northumberland and Westmoreland, Dacres that is dead, whom they termed lord Dacres, and of all the catholic lords and gentlemen in the North parts, where the invasion should have been attempted, setting it down that it is not said by conjecture that these men are assured; but that it is certainly known that they will join with the foreign forces. In the said discourse it is also affirmed, that the priests dispersed in the realm can dispose of the other catholics of the realm as they shall be ordered; and that the pope's excommunication should be renewed, and pronounced against her majesty, and all those that shall take her part; and that all such should be holden traitors that did not join with that army by a day.

When master Attorney had thus proved the purpose of Invasion, he proceeded to the proof of Charles Paget's coming over about the practice and prosecution of that enterprize. And first, That Paget came to Petworth, in Sept. 1583, was secretly received, and brought in the night late to the earl of Northumberland, into his gallery at Petworth, by one of the earl's servants; where the earl and he had secret conference together by the space of a large hour: from thence Paget was likewise conveyed back into the town by the same servant, and there lodged all that night; and the next night following was conveyed secretly to a lodge in the earl's park, at Petworth, called Conigar Lodge, where he was kept with the like secrecy by the space of eight days, or thereabouts, and the servant by whom Paget was thus conveyed, was by the earl enjoined and commanded in no wise to discover

Paget's being there.—The earl of Northumberland upon the arrival of Charles Paget, sent for the lord Paget, with the privity of this servant, who was made believe, that Charles came over to set things in order, and to pass certain deeds and conveyances between the lord Paget and him. The lord Paget came to Petworth, staid there two nights, lodged in the earl's house, conferred with Charles Paget and with the earl together sundry times.—The earl, after his apprehension, being at several times examined what causes or affairs had passed between the lord Paget and Charles his brother, when they were together at Petworth; answered one while, that they passed certain deeds and conveyances; and another while, that there was only a will or testament signed and sealed between them: he confessed that he set his hand to the will, but knew not what the same contained. All which appeared to be false; for that it hath fallen out by occasion of seizure of the lands and goods of the lord Paget (after his departure out of the realm) that he had disposed of his lands and goods by another course of assurance executed at London; and therefore, their pretence of the passing of deeds and will at Petworth, was but a device to shadow their traitorous conspiracies. And for better proof thereof, it was alledged by Master Attorney, that Charles Paget returning from Petworth to the house of one William Davis, near to the place where Paget had landed in Sussex, and took shipping again at his departure beyond the seas, sent to William Shelley, esq. residing then at his house at Michelgrove, distant about a mile from the house of William Davis, to come unto him (who within few days before had been at the lodge at Petworth, with the said Paget:) and now at their meeting in a coppice near to Davis's house, Paget entered into speech and discourse with him of divers matters; and at the last, among other things, he began to be inquisitive of the strength and fortification of Portsmouth, and what forces and strength her majesty had in the other parts westward.—Paget broke out, and declared to him, that foreign princes would seek revenge against her majesty of the wrongs by her done unto them, and would take such time and opportunity as might best serve them for that purpose; and said, that those princes disdained to see the Scottish queen so kept and used here as she was, and would use all their forces for her delivery. That the duke of Guise would be a dealer therein; and that the earl of Northumberland would be an assistant unto them; willing Shelley, whatsoever should happen, to follow the earl of Northumberland; affirming, that there was not a nobleman in England of conduct and government like to the said earl: saying further, that the earl of Northumberland was affected to the Scottish queen, and would do what he could for her advancement.—That the duke of Guise had forces in a readiness to be employed for the altering of the state of religion here in England, and to set the Scottish queen at liberty.—Shelley gathered by these, and other speeches which passed between him and Paget, that Paget had dealt with the earl as a chief party, and a man forward in these actions; and Paget confessed that he came over to break, and deal in these matters.—Paget delivered further, that the Catholics would all join for so good a purpose; for that it would be a means to reform Religion.—He said, the stir should be in the North parts, because Sussex was not convenient, as well for that there were no safe landing places, as for that it was so near London, where the queen's majesty would be ready to resist them; and that whensoever any stir should be, the earl of Northumberland would not stay in Sussex, but would go into the North parts.

When master Attorney-General had in this sort laid down the particularities of the Treasons and traiterous practices of the confederates for this purposed invasion, then Thomas Egerton, esq. her majesty's Solicitor, to prove the earl guilty of these Treasons by the circumstances of his own proceedings, shewed, that the earl, knowing how far he himself was touched with the said Treasons, and in what degree of danger he stood if they should have been revealed, found his only hope of safety to consist in the cunning concealing of them; and therefore he endeavoured to cover them by all the possible means he could devise.—And first, by conveying away of the lord Paget, a man not only privy to the practices and Treasons handled by Francis Throckmorton, but also to the Treasons of his brother Charles; wherein the earl and the lord Paget were doubtless both confederates with Charles, made acquainted by him with the causes of his coming over, as principal men with whom he dealt in those matters at Petworth.—The occasion that provoked the earl to convey away the lord Paget, grew upon the apprehension of Throckmorton, who being committed to the Tower, and charged with high matters, was in case to be dealt withal by way of extremity, to be made to confess the treasons charged upon him; in revealing whereof, Charles Paget's coming to Petworth, and the cause of his repair thither, could not be concealed.—No man at this time within the realm could accuse the earl of these confederacies, but the lord Paget only, who stood in danger to be discovered by Francis Throckmorton: The safety therefore of the earl rested altogether upon the lord Paget's departing out of the realm, which was procured by the earl with so great expedition, as that Throckmorton being committed to the Tower about the 7th of Nov. 1583, the earl made means the 12th to have the lord Paget provided of shipping in all haste by William Shelley: wherein the earl used such importunate intreaty, and sent so often to hasten the preparation of the ship, that the same was provided, and the lord Paget embarked by the 23d day of the same month following, or thereabouts.—The departure of the lord Paget was soon after discovered, and how, and by whom he was conveyed away: Her majesty, upon

good cause taking offence thereat, the earl, being then at London, had notice thereof, and of the confessions of Throckmorton (who began to discover the treasons) came presently down to Petworth, sent immediately for William Shelley, who coming to him to Petworth the next day about dinner-time, met the earl in a dining parlour, ready to go to his dinner. The earl took Shelley aside into a chamber, and as a man greatly distracted and troubled in mind, entered into these speeches: 'Alas! I am a man cast away;' and Shelley demanding what he meant by those speeches, the earl answered, 'The actions I have entered into, I fear, will be my utter undoing;' and thereupon desired Shelley to keep his counsel, and discover no more of him than he must needs.—The earl, moreover, at this meeting intreated William Shelley to convey away all such as he knew to have been employed, and were privy to the lord Paget's going away, and of Charles Paget's coming over, which was accordingly performed by Shelley: And the earl, for his part, conveyed away a principal man of his own, whom he had often used in messages into France, and had been of trust appointed by the earl, to attend on Charles Paget, all the time of his stay at Connigar Lodge.—Master Solicitor, pursuing the matters that made the earl's practices and devices for the concealing of his Treasons manifest, declared further, That after the earl and Shelley had obtained some liberty in the Tower after their first restraint, the earl found means to have intelligence with Shelley, and was advertised from him of all that he had confessed in his first examinations, taken before they were last restrained: Sithens which time, the earl, by corrupting of his keeper, hath practised to have continual advertisements as before, as well of things done within the Tower as abroad; insomuch as by his said keeper he had sent and conveyed twelve several letters out of the Tower, within the space of nine or ten weeks, and one of those on Sunday the 20th day of June in the morning, when he murdered himself the night following.—By the same corruption of his keepers, he sent also a message to William Shelley, by a maid-servant in the Tower, by which he required him to stand to his first confessions, and to go no further; for so it would be best for him, and he would keep himself out of danger. Whereunto Shelley returned answer, by the same messenger, that he could hold out no longer, that he had concealed the matters as long as he could, and willed the earl to consider, that there was a great difference between the earl's estate and his; for that the earl, in respect of his nobility, was not in danger to be dealt withal in such sort as he the said Shelley was like to be, being but a private gentleman, and therefore to be used with all extremity to be made to confess the truth: wherefore he advised the earl to deal plainly, and to remember what speeches had passed at his house at Petworth, when Charles Paget came last thither.—James Price, by the same corruption of the earl's keeper, came to William Shelley on the Friday or Saturday before Trinity-Sunday last, and told him, that the earl was very desirous to understand how far he had gone in his confessions: And at Price's instance, Shelley did set down in writing the effect of the said confessions, and sent the same to the said earl, who, upon the sight thereof, perceiving the Treasons revealed and discovered, and knowing thereby how heinous his offences were, fearing the justice and severity of the laws, and also the ruin and overthrow of his house, fell into desperation, and so to the destruction of himself; for confirmation whereof, it was confessed by one Jaques Pantins, a groom of the earl's chamber, who had attended on the earl in the Tower, by the space of ten weeks before his death, that he had heard the earl often say, that master Shelley was no faithful friend unto him, and that he had confessed such things as were sufficient to overthrow them both: That he was undone by Shelley's accusations, affirming, that the earl began to despair of himself, often with tears lamenting his cause, which the earl said to proceed only of the remembrance of his wife and children; saying further, that such matters were laid to his charge, that he expected no favour; but to be brought to his trial, and then he was but a lost man; repeating often that Shelley had undone him, and still mistrusting his cause, wished for death.

Herewith master Solicitor concluded; and then sir Roger Manwood, knight, Lord Chief Baron of her majesty's Exchequer, entered into the description of the earl's Death, and in what sort he had murdered himself; shewing first, how the same had been found by a very substantial Jury, chosen among the best Commoners of the City, empanneled by the coroner, upon the view of the body, and diligent enquiry by all due means had according to the law, and declared, That upon the discovery of the intelligence conveyed between the earl and Shelley, it was thought necessary, for the benefit of her majesty's service, by such of her highness's most honourable privy council as were appointed commissioners, to examine the course of these treasons; that Jaques Pantins, attending upon the earl, and the earl's corrupt keepers should be removed: Whereupon Thomas Bailiff, gentleman, sent to attend on the earl of Northumberland, upon the removing of Palmer and Jaques Pantins from about the said earl (who from the beginning of his last restraint attended on him) for the reasons lastly before-mentioned, was by the lieutenant of the Tower, on the Sunday about two of the clock in the afternoon (being the 20th of June) shut up with the earl, as appointed to remain with him, and serve him in the prison for a time, until Palmer, Pantins, and Price, then committed close prisoners, might be examined how the earl came by such intelligences as were discovered to have passed between the earl and Shelley, and between the earl and others. Bailiff served the earl at his supper, brought

him to his bed about nine of the clock; and after some services done by the earl's commandment, departed from the earl to an outer chamber, where he lay part of that night: And being come into his chamber, the earl rose out of his bed, and came to the chamber-door, and bolted the same unto him in the inner side, saying to Bailiff, he could not sleep unless his door were fast. About twelve of the clock at midnight, Bailiff being in a slumber, heard a great noise, seeming unto him to be the falling of some door, or rather a piece of the house: The noise was so sudden and so great, that he started out of his bed, and crying unto the earl with a loud voice, said, My lord know you what this is? The earl not answering, Bailiff cried, and knocked still at the earl's door, saying, My lord, how do you? But finding that the earl made no answer, continued his crying and calling, until an old man that lay without spake to him, saying, Gentleman, shall I call the watch, seeing he will not speak? Yea, quoth Bailiff, for God's sake. Then did the old man rise, and called one of the watch, whom Bailiff intreated, with all possible speed to call master lieutenant unto him. In the mean time, Bailiff heard the earl give a long and most grievous groan, and after that, gave a second groan; and then the lieutenant being come called to the earl, who not answering, Bailiff cried to the lieutenant to break open the earl's chamber-door, bolted unto him on the inner side, which was done, and then they found the earl dead in his bed, and by his bed-side a dagge, wherewith he had killed himself.

Sir Owen Hopton, Lieutenant of the Tower, knight, examined upon his oath, affirmed, That on Sunday last at night, less than a quarter of an hour before one of the clock after midnight, he was called up by the watch to come to the earl of Northumberland, who had been called unto by master Bailiff his keeper, and would not speak (as the watch told him:) Whereupon the said sir Owen went presently to the earl's lodging, opened the outer doors till he came to the chamber where master Bailiff lay, which was next to the earl's bed-chamber. Bailiff said to this examinate as he came in, that he was wakened with a noise as it were of a door, or some great thing falling, and that he had called on the earl, and could have no answer: And this examinate going to the earl's chamber-door, finding the same bolted fast on the other side, within the earl's lodging, so as he could not go in to the earl, this examinate called unto the earl, telling him the lieutenant was there, and prayed his lordship to open the door: But this examinate having no answer made unto him, and finding the door fast bolted on the inner side of the earl's chamber with a strong iron bolt, so as they could not enter into the same out of the lodging where the said Bailiff lay, without breaking up the chamber-door, caused the warders who were with this examinate, to thrust in their halberds, and to wrest the door thereby, as much as they could, and withal to run at the door with their feet, and with violence to thrust it open, which they did accordingly. And when this examinate came into the chamber, in turning up the sheets he perceived them to be blooded; and then searching further, found the wound, which was very near the pap, not thinking at the first sight, but that it had been done with a knife. This examinate went thereupon presently to write to the court, and took the warders into the outer chamber, and left them there until he returned, bolting the door of the earl's bed-chamber on the outside; and as soon as this examinate returned from writing of his letter to the court, he searched about the chamber, and found a dagge on the floor, about three feet from the bed, near unto a table, that had a green cloth on it, which did somewhat shadow the dagge: And, after turning down the bed-cloaths, found the box, in the which the powder and pellets were, on the bed under the coverlet; and saith, that the chamber where the earl lay, hath no other door but that one door which was broken open as aforesaid, save one door, that went into a privy, which hath no manner of passage out of it; and that the earl's lodging chamber, and the entering to the privy, are both walled round about with a stone wall, and a brick wall; and that there is no door or passage out of or from the said earl's bed-chamber or privy, but that only door which was broken open by the appointment of this examinate. The warders that were with this examinate at the entry into the prison, and the breaking up of the earl's chamber-door, and the doing of the other things aforesaid, were Michael Sibley, Anthony Davis, William Ryland, and John Potter, and one John Pinner, this examinate's servant, was there also.

For the Proof and Confirmation of the several parts and points of this Deposition, Sibley, Davis, Ryland, Potter, and Pinner were deposed, and they *viva voce* affirmed so much thereof to be true, as was reported by the examination of the lieutenant, concerning the coming of the lieutenant to the earl's chamber, the breaking up of the door, being bolted with a strong bolt on the inner side, the finding of the earl dead upon his bed, the dagge lying on the ground, the powder and pellets in a box on the bed under the coverlet, with the rest of the circumstances thereunto appertaining. They affirmed also, that there was but one door in the earl's chamber, saving the door of the privy, which, together with the chamber, was strongly walled about with stone and brick: And further, as I remember, the lord chief baron confirmed the same, having viewed the chamber himself where the earl lodged, and was found dead.

Jaques Pantins, in his Examination on the 21st of June, confesseth, that James Price delivered the dagge to the earl his master in this examinate's presence; Whereupon he presently suspected, that the earl meant mischief to himself, and therefore did his endeavour to persuade the earl to send away the dagge, and

told the earl that he knew not how the devil might tempt his lordship, and that the devil was great; but could by no means prevail with the earl in that behalf: And saith moreover, that the earl required him to hide the dagge, and he thereupon hanged the same on a nail within the chimney in the earl's bed-chamber, where the earl, thinking the same not to be sufficiently safe in that place, it was by the earl's appointment taken from thence, and put into a slit in the side of a mattress that lay under the earl's bed, near to the bed's head; and that the same Sunday morning that the earl murdered himself at night, he saw the dagge lying under the earl's bed's head. The dagge was bought not many days before of one Adrian Mulan, a dagge-maker, dwelling in East Smithfield, as by the said Mulan was testified *viva voce* upon his oath, in the open court, at the time of the public declaration made of these matters in the Star-Chamber.

All these Particularities considered, with the Depositions and Proofs of the Witness concerning the earl's death, first, how he came by the dagge: secondly, how long he had kept the same, and in what secret manner: thirdly, the earl's bolting of his chamber-door on the inside: fourthly, the blow of the dagge: fifthly, the breaking up of the earl's chamber-door by the lieutenant of the Tower: and lastly, the finding of the earl dead as aforesaid. Who is he so simple, that will think or imagine, or so impudent and malicious, that will avouch and report, that the earl of Northumberland should have been murdered of purpose by practice or device of any person, affecting his destruction in that manner; if men consider the inconvenience happened thereby, as well in matter of state, as commodity to the queen's majesty, lost by the prevention of his trial; who can in reason conjecture the earl to have been murdered of policy or set purpose, as the evil-affected seem to conceive? If the earl had lived to have received the censure of the law for his offences, all lewd and frivolous objections had then been answered, and all his goods, chattels and lands, by his attainder, had come unto her majesty, and the honour and state of his house and posterity been utterly overthrown: the consideration and fear whereof appeareth without all doubt to have been the principal, and only cause that made him lay violent hands upon himself. If objections be made, that to murder him in that sort might be a satisfaction to his enemies, who could be pacified by no means but with his blood, that seemeth to be as improbable; for that it is commonly discerned in the corrupt nature of man, that when we are possessed with so profound a hatred, as to seek the death of our enemy, we imagine, and wish his destruction to be had with the greatest shame and infamy that can be devised. Think you not then, that, if the earl of Northumberland had any such enemy, who knew the danger wherein he stood, and that his trial and conviction by law, would draw upon him the loss of his life, lands, and goods, fame, honour, and the utter subversion of his house, and would be so kind hearted unto him, as to help to take away his life only, and save him all the rest; I suppose there is no man of judgment will believe it.

But to return to the Manner of the earl's Death: It was declared by the lord Hunsdon, and the Lord Chief Baron, that the dagge wherewith the earl murdered himself was charged with three bullets, and so of necessity with more than an ordinary charge of powder, to force that weight of bullets to work their effect. The earl lying upon his back on the left side of his bed, took the dagge charged in his left-hand (by all likelihood) laid the mouth of the dagge upon his left pap (having first put aside his waistcoat) and his shirt being only between the dagge and his body, which was burned away the breadth of a large hand, discharged the same, wherewith was made a large wound in his said pap, his heart pierced and torn in divers lobes or pieces, three of his ribs broken, the chine-bone of his back cut almost in sunder, and under the point of the shoulder-blade, on the right side within the skin, the three bullets were found by the lord Hunsdon, which he caused the surgeon in his presence to cut out, lying all three close together, within the breadth and compass of an inch, or thereabout: the bullets were shewed by his lordship at the time of the publication made in the court of the Star-Chamber.

And whereas it hath been slanderously given out to the advantage of the earl, as the reporters suppose, that he was imprisoned, and kept in so streight, narrow, and close a room, with such penury of air and breath, that thereby he grew sickly, and weary of his life; and that to have been the cause chiefly why he murdered himself, (if it were so that he died by the violence of his own hand, which they hardly believe;) to answer that peevish and senseless slander, there was much spoken by the lord chief baron, who had viewed, and caused very exactly to be measured the chambers and rooms within the prison where the earl lay, being part of her majesty's own lodging in the Tower: the particular length and breadth of the said chambers and rooms, and the quality of the lights and windows, expressed by the said Lord Chief Baron, I cannot repeat; but well I do remember, it was declared, that all the day-time the earl had the liberty of five large chambers, and too long entries, within the utter door of his prison: three of which chambers, and one of the entries, lay upon two fair gardens within the Tower-wall, and upon the Tower-wharf, with a pleasant prospect of the Thames, and to the country, more than five miles beyond. The windows were of a large proportion, yielding so much air and light as more cannot be desired in any house; note, therefore, how maliciously those that favour traitors and treasons can deliver out these and the like slanderous speeches, to the dishonour of her majesty, noting her counsellors and ministers with inhuma-

nity and uncharitable severity, contrary to all truth and honesty.

When the Lord Chief Baron had finished this discourse of the manner of the earl's Death, with the circumstances, and had satisfied the court and auditory concerning the quality of the prison where the earl remained, sir Christopher Hatton, knight, her majesty's Vice-Chamberlain, who as it seemed, had been specially employed by her majesty, among others of her privy council, in the looking into and examining of the Treasons aforesaid, as well in the person of the earl as of others, and at the time of the earl's commitment from his house in St. Martin's to the Tower of London, sent unto him from her majesty, to put the earl in mind of her majesty's manifold graces and favours, in former times conferred upon him, proceeding from the spring of her majesty's princely and bountiful nature, and not of his deservings; and to advise him to deliver the truth of the matters so clearly appearing against him, either by his letters privately to her majesty, or by speech to Master Vice-Chamberlain, who signified also unto him, that if he would determine to take that course, he should not only not be committed to the Tower, but should find grace and favour at her majesty's hands, in the mitigation of such punishment as the law might lay upon him. And here Master Vice-Chamberlain repeated at length the effect of her majesty's message at that time sent to the earl, beginning first with the remembrance of his practice undertaken for the conveying away of the Scotish queen about the time of the last rebellion (as hath been declared in the beginning of this tract) and that he confessing the offence being capital, her majesty nevertheless was pleased to alter the course of his trial by the justice of her laws, and suffered the same to receive a slight and easy punishment by way of mulct, or fine of 5000 marks, whereof before this his imprisonment, as it is credibly reported, there was not one penny paid, or his land touched with any extent for the payment thereof; which offence was by her majesty not only most graciously forgiven, but also most christianly forgotten; receiving him not long after to the place of honour that his ancestors had enjoyed, for many years before him, and gave him such entrance into her princely favour and good opinion, that no man of his quality received greater countenance and comfort at her majesty's hands than he; insomuch that in all exercises of recreation used by her majesty the earl was always called to be one, and whensoever her majesty shewed herself abroad in public, she gave to him the honour of the best and highest services about her person more often than to all the noblemen of her court.

But the remembrance of these most gracious and more than extraordinary favours and benefits received, nor the hope given unto him by Master Vice-Chamberlain, of her majesty's disposition of mercy towards him, nor the consideration of the depth and weight of his Treasons against her majesty, her estate, her crown, and dignity, with the danger thereby like to fall upon him by the course of her highness's laws, to the utter ruin and subversion of him and his house (standing now at her majesty's mercy) could once move his heart to that natural and dutiful care of her majesty's safety that he ought to have borne towards her, and she most worthily had merited at his hands, or any remorse or compassion of himself and his posterity? but resting upon terms of his innocency, having, as you may perceive, conveyed away all those that he thought could or would any way accuse him, he made choice rather to go to the Tower, abide the hazard of her majesty's high indignation, and the extremity of the law for his offences: a notable augur of his fall, and that God, by his just judgment, had, for his sins and ingratitude, taken from him his spirit of grace, and delivered him over to the enemy of his soul, who brought him to that most dreadful and horrible end, whereunto he is come: from the which, God of his mercy defend all christian people, and preserve the queen's majesty from the Treasons of her subjects, that she may live in all happiness, to see the ruin of her enemies abroad and at home; and that she, and we, her true and loving subjects, may be always thankful to God for all his blessings bestowed upon us by her, the only maintainer of His Holy Gospel among us.

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62. Proceedings against Anthony Babington, Chidiock Titchburne, Thomas Salisbury, Robert Barnewell, John Savage, Henry Donn, and John Ballard, at Westminster, for High Treason: 28 Eliz. the 13th and 14th of September, A. D. 1586.

THE Commission of Oyer and Determiner of all manner of Treasons, Rebellions, Felonies, Offences, Routs, Riots, &c. was directed to William lord Cobham, Lord-Warden of the Cinque-Ports; Thomas lord Buckhurst; sir Francis Knowles; sir James a Croft; sir Christopher Hatton; sir Francis Walsingham; sir Christopher Wray, Lord Chief Justice of England; sir Edmund Anderson, Lord Chief Justice of the Common-Pleas; sir Roger Manwood, Lord Chief Baron of the Exchequer; Mr. Dr. Dale; Mr. Rugby, Master of the Requests; serjeant Fleetwood, Recorder of London; Mr. Brograve, Attorney of the

Dutchy; Mr. Randall; Mr. Cook; Mr. Wrathe. By force whereof was a precept directed to the Lieutenant of the Tower, commanding him to have the bodies of Anthony Babington, esq. Chidiock Titchburne, esq. Thomas Salisbury, esq. Robert Barnewell, gent. John Savage, gent. Henry Donn, gent. and John Ballard, clerk, before the said Commissioners, the day and year aforesaid. At which day, before the Commissioners abovesaid, (excepting sir Francis Knowles, sir Francis Walsingham, and sir Christopher Wray) sir Owen Hopton, Lieutenant of the Tower, returned his precept in effect, That the said Prisoners were committed to his custody by commandment of the Privy-Council, there to be safely kept. Whereupon Mr. Vice-Chamberlain demanded of the queen's learned counsel, what order they would take in Arraigning the Prisoners; and Answer was by them given, that they would proceed to the Arraignment of Savage first, forasmuch as he meddled first in these matters.

SAVAGE'S *Arraignment, Indictment and Confession.*

Then Savage being brought to the bar, and the other Prisoners removed, the Clerk of the Crown said;

Sands, Clerk of the Crown. John Savage, gent. hold up thy hand: Thou hast been before this time indicted by virtue of commission, directed to sir Edmund Anderson knight, &c. (and so read his Indictment) which in effect was, That William Gifford, D.D. maliciously moved him at Rhemes in the country of Champaigne, traitorously and wickedly to kill and murder the queen's most excellent majesty, his liege sovereign and natural prince; affirming to the said Savage, that the killing of her majesty was an action lawful, honourable and meritorious: and that thereupon the said John Savage did traitorously agree, conspire and swear to murder the queen's most excellent majesty, his own natural prince. And afterwards, that is to say the first day of April 1586, at St. Giles's in the Fields in the county of Middlesex, did falsely conspire to murder her said majesty, to disinherit her of her kingdom, to stir up sedition in the realm, and to subvert the true Christian Religion: and that to perform this malicious practice, devised with John Ballard how to bring the same to pass; and afterwards, the last day of May, did receive letters from Morgan, William Gifford, and Gilbert Gifford, whereby they did persuade and provoke the said Savage to execute and fulfil his said purpose and determination. How sayest thou, Savage, art thou Guilty, or Not Guilty?

Savage. For conspiring at St. Giles's, I am Guilty; that I received letters, whereby they did provoke me to kill her majesty, I am Guilty; that I did assent to kill her majesty, I am not Guilty.

C. J. *Anderson.* Whether thou didst conspire at St. Giles's, or not, is not the substance of the Indictment; but, whether thou didst conspire or no, is the matter, and the rest is but circumstance: moreover thou must say, either that thou art Guilty or not Guilty, for so hath the law ordained every one to answer; and if thou answer not so, thou refusest to be tried by the law, and so shalt be causer of thy own death.

C. B. *Manwood.* Whosoever refuseth to answer directly, the law pronounceth grievous punishment to such, and they are murderers of themselves, which is abominable before God.

Hatton. To say, that thou art Guilty to that, and not to this, is no plea; for thou must either confess it generally, or deny it generally: wherefore delay not the time, but say either Guilty, or not; and if thou say Guilty, then shalt thou hear further; if not Guilty, her Majesty's learned counsel is ready to give evidence against thee.

Savage. Then, Sir, I am Guilty.

Then her majesty's Counsel said, Albeit there were nothing now further to be done, but to proceed to Judgment upon his own Confession; yet forasmuch as they desired that the hearers should be satisfied, and all the world know, how justly he was to be condemned, they crave licence to give such Evidence as would sufficiently and fully prove the Indictment. Which being granted, the Clerk of the Crown did read Savage's own Confession, taken before the Lord Chancellor, Lord Treasurer, Mr. Vice-Chamberlain, and Mr. Secretary; which particularly in substance was,

That the said John Savage served in the camp of the prince of Parma, and from thence he departed towards Rhemes, where falling acquainted with one Hodgson, and talking with him about exploits of services, it chanced Dr. Gifford over-heard them, and coming to them, said, 'but a better service could I tell you than all this' (moving the murder of the queen of England): but Savage seemed to object how dangerous and difficult it was. So they went to supper, and after supper ended Gifford declaring unto them, how necessary, how just and meritorious, the committing of the murder should be, said, that peradventure he sticked to do the fact, forasmuch as he, percase, was not resolved whether the killing of a prince were lawful or not. Whereupon he desired him to advise himself, and to ask opinions of others: and Savage having heard others affirm, that the murder was lawful, forasmuch as in their pretence she was an heretic, an enemy to true Religion, and a schismatic person: at last, after three weeks, wherein he had not seen Gifford, he answered, That he was contented to do any thing for his country's good. Then said Gifford, Assure yourself you cannot do a greater good unto your country, nor whereby the country should be more beholden, especially all the Throckmortons and Giffords. At last Savage, overcome with their persuasions, gave his assent and oath, that he would put the same in practice. When he had given his oath to murder her, Gifford declared unto him, how, and in what place her majesty might be slain: and therefore Gifford charged him to

forbear no time nor place, but to murder her; and therefore, as her majesty should go into her chapel to hear divine service, Savage might lurk in the gallery, and stab her with his dagger: or if her majesty should walk into her garden, he might then shoot her through with his dagg; or if her majesty did walk abroad to take the air, as she would often do, rather (as Gifford said) accompanied with women than men, and those few men but slenderly weaponed, Savage might then assault her with his arming sword, and so make sure work; albeit in all these cases Savage should be in extreme hazard of his own life, forasmuch as the thing itself was so lawful, honourable and meritorious, and he sure to gain Heaven thereby. Thereupon came Savage over into England with this intent and purpose, for to kill the queen: but not doing the same as soon as was looked for, he received letters from Morgan and Gifford from beyond the seas, persuading him to execute the same. But then he fell acquainted with the most notorious conspiracy of Babington, whereby was another plot devised, That there should be six which should kill the queen: Savage would not assent thereto, forasmuch as he thought, except he did it himself, his conscience could not be satisfied, because he had promised and vowed to do that himself. But Babington told him, he should be one. In the mean season was Ballard the priest apprehended, the 4th of August last. Then came Babington to Savage, saying, Ballard is taken, all will be bewrayed, what remedy now? Then said Savage, No remedy now, but to kill her presently. Very well, said Babington; then go you unto the court to-morrow, and there execute the fact. Nay, said Savage, I cannot go to-morrow, for my apparel is not ready, and in this apparel shall I never come near the queen. Go to, quoth Babington, here is my ring, and all the money I have, get the apparel and dispatch it. But the same night, Babington fearing lest Savage alone should fail to do it, continued his other plot, that six should ride to the court and do it: but the next day, Babington suspecting somewhat, fled, and all was discovered. And also it appeared by Savage's own Confession, how, between Midsummer and Allhallontide, 1585, he was solicited by Gifford to kill the queen and the earl of Leicester. Furthermore divers other proofs were shewed forth by Confession of other, all agreeing to Savage's confession.

Attorney. (Sir John Popham) Now I hope, is Savage's Indictment sufficiently and fully proved.

Hatton. Savage, I must ask thee one question: Was not all this willingly and voluntarily confessed by thyself, without menacing, without torture, or without offer of any torture?

Savage. Yes.

Then spake her majesty's learned Counsel, desiring to adjourn the court until the morrow.

Hatton. Forasmuch as if we should now proceed with the other prisoners which be here put, it would ask time till three of the clock in the morning, and the day is already far spent; also her majesty's counsel having prayed that Savage's Judgment be deferred till to-morrow by seven of the clock; therefore it is necessary that the court should be adjourned. Whereupon the cryer made an O yes, that all should keep their day to-morrow morning by seven of the clock, and so the Court arose.

Wednesday 14 September, 1586.

The next day being Wednesday, the same prisoners were brought unto the bar, and the commissioners being set, the cryer commanded every man to hold his peace and keep silence; and then spake Sandes the Clerk of the Crown, in sort ensuing.

Clerk of the Crown. John Ballard, Anthony Babington, John Savage, Robert Barnewell, Chidiock Titchburne, Thomas Salisbury, and Henry Donn, hold up your hands; which being done, he said, Before this time you were indicted before sir Edmund Anderson knight and others, &c. by virtue of her majesty's commission, &c. That whereas Bernardino de Mendoza, a Spaniard, and Charles Paget, the 26th day of April, 1586, at Paris in France, did maliciously and wickedly devise, by what ways and means this realm of England might be invaded, and by what ways and means Mary queen of Scots might be delivered: it was concluded then, that thou the said John Ballard should go into this realm of England, to understand and know what ports and landings might be procured and provided for the enemies invasion, and for to learn by what means and ways the said Mary queen of Scots might be delivered from the custody wherein she was. And that thou the said John Ballard, coming into this realm of England; you the said Anthony Babington, John Savage, Robert Barnewell, Chidiock Titchburne, Thomas Salisbury, and Henry Donn, as false traitors against the crown, and the queen's most excellent majesty, your true and natural sovereign; intending to put away the love of her majesty's most loving subjects, the 5th day of June, in the 28th year of the reign of our sovereign lady queen Elizabeth, by the grace of God, &c. at St. Giles's in the Fields, within the county of Middlesex, did falsely, horribly, traitorously and devilishly, conspire, conclude and agree, the queen's most excellent majesty not only from her royal crown and dignity to depose, but also her to kill and slay; and sedition, insurrection and rebellion to stir up and procure, and the government of this realm, and the true and Christian religion therein planted to subvert, and the whole state thereof for to destroy; and for to raise and levy war within the realm. And thou the said John Ballard, the 17th day of June, in the 28th year aforesaid, at St. Giles's aforesaid, in the county of Middlesex aforesaid, didst go to have speech, and confer with thee the said Anthony Babington, by what means and ways your false traitorous imagined practices might be brought to pass. And that thou the said John Ballard didst oftentimes declare of an army of the pope,

and the king of Spain, for to invade this realm; and didst also declare that Paget and Mendoza required them the said Babington, Savage, &c. to procure means how this realm of England might be invaded. And that there thou the said Anthony Babington didst say the same could not be brought to pass, without the murder of the queen's most excellent majesty, and afterwards, that is to say, the 7th day of June, at St. Giles's aforesaid, in the county of Middlesex aforesaid, thou the said Anthony Babington did falsely, horribly, traitorously, and devilishly conspire to kill the queen's most excellent majesty, and for to deliver the said Mary queen of Scots out of the custody wherein she was, and how to bring foreign enemies for to invade this realm. And that thou Thomas Salisbury went to St. Giles's aforesaid, in the county of Middlesex aforesaid, traitorously to confer by what means and ways thy traitorous imagined practices might be brought to pass; and that thou didst there conclude falsely and traitorously to go into thy country in the county of Denbigh, there to move and stir up sedition and rebellion; and for to persuade the subjects to conjoin with thee, for the delivery of the said Mary queen of Scots from the custody wherein she was, and for to aid and assist the foreign enemies which should invade the realm. And afterwards the 9th day of June, that you the said Anthony Babington and John Savage, went to St. Giles's aforesaid, in the county of Middlesex aforesaid, traitorously to confer how and by what means your traitorous imagined practices might be brought to pass: and afterwards, the 10th of June you the said Anthony Babington, and John Savage, maliciously between yourselves, did appoint and conclude that thou the said John Savage traitorously the queen's most excellent majesty shouldst kill and slay, and her to final destruction for to bring. And that thou the said Babington and Savage should join and assist the foreign enemies which should invade this realm. And that thou the said Anthony Babington, Chidiock Titchburne, and Robert Barnewell, afterwards, that is to say, the 11th day of June, in the year aforesaid, went to St. Giles's aforesaid, in the county of Middlesex aforesaid, to confer by what ways and means your treasons might be fulfilled and brought to pass. And thereupon the 12th day of June, you the said Babington, Titchburne, and Barnewell, with divers other false traitors, most horribly, devilishly, wickedly and traitorously did conclude and agree, that you the said Robert Barnewell, Chidiock Titchburne, with divers other horrible traitors, the queen's most excellent majesty would kill and slay, and the foreign invaders would aid and assist. And furthermore, that thou the said Thomas Salisbury, together with Edward Jones, esq. and other false traitors, to bring to pass your traitorous imagined practises, the 13th day of June, in the year aforesaid, did go to St. Giles's-Fields aforesaid, in the county of Middlesex aforesaid, to confer how your treasons might be brought to pass: And the same 13th day did confer, and had speech, by what means your traitorous compassed imaginations might be performed. And afterwards, that is to say, the 15th of June, at St. Giles's-Fields aforesaid, in the county of Middlesex aforesaid, thou the said Thomas Salisbury, and the said Edward Jones, did conclude and agree, that the said Edward Jones should conjoin with thee for the delivery of the said Mary queen of Scots, and for to aid and assist the foreign enemies which should invade this realm. And furthermore, that John Travers, gent. another false traitor in this conspiracy, went to Clerkenwell in the county of Middlesex aforesaid, traitorously to confer with thee the said Thomas Salisbury, how your traitorous compassed imagination might be brought to pass. And the same 15th day of June, at Clerkenwell aforesaid, in the county of Middlesex aforesaid, the said John Travers did traitorously conspire, and agree, for the delivery of Mary queen of Scots, and to assist the foreign invaders of this realm. And furthermore, that thou the said Henry Donn, for the compassing of thy traitorous practices, the 22nd of June, in the year aforesaid, traitorously didst repair, and go to have speech, and confer with the said Anthony Babington, and John Ballard, how your traitorous compassed imaginations might be brought to pass. And the same 22nd of June, as well in St. Giles's aforesaid, as in other places, didst confer, and had speech how your treasons might be brought to pass. And that thou the said Henry Donn, the 24th day of June, at St. Giles's-Fields aforesaid, didst conclude, and agree with the said Ballard and Babington, to perform the best they could for the compassing of your treasons. And furthermore, that thou the said Anthony Babington, the 8th day of July, in the year aforesaid, received letters dated the 25th of June, from Mary queen of Scots, by which she signified unto thee, that she would not be unmindful of thy affection towards her; and required thee to send her letters from friends in France and Scotland. And the same day, thou the said Anthony Babington didst write unto the said Mary queen of Scots, declaring the plot of thy treasons, and requiring from her, as from thy sovereign and prince, authority and commission to proceed in thy practices; and the 25th of July received letters of answer, by which the said Mary queen of Scots willingly allowed of these treasons; and also by her said letters did animate, comfort and provoke thee to fulfil the same effectually. And furthermore, that sir Thomas Gerrard, another false traitor, and thou the said John Ballard, as false traitors, not having the fear of God before your eyes, the 27th of July, in the 28th year aforesaid, at St. Giles's aforesaid, in the county aforesaid, did conspire traitorously to deprive and depose the queen's most excellent majesty from her royal crown and dignity, and her to final death and destruction for to bring: and sedition and rebellion to stir up and procure, and to alter the government of the realm, and the true religion to subvert. And that thou the said Anthony Babington, and the

said sir Thomas Gerrard, the 29th of July, in the year aforesaid, went to St. Giles's aforesaid, in the county aforesaid, traitorously to conspire how and by what means your traitorous compassed imaginations might be brought to pass. And thereupon the last day of July, at St. Giles's aforesaid, in the county aforesaid, you the said Anthony Babington, and the said sir Thomas Gerrard, did agree, that thou the said sir Thomas Gerrard should join with thee the said Anthony Babington, for the delivery of the said Mary queen of Scots from the custody wherein she was, and for the aiding and assisting of the foreign enemies which should invade this realm. And furthermore, that thou the said John Ballard didst traitorously go to Southampton-house in Holborn, within the county of Middlesex, traitorously to confer with John Charnock, gent. and other false traitors in this conspiracy, how your traitorous compassed imaginations might be brought to pass; and there didst confer and had speech by what means your treasons might be performed: and afterwards the 2nd day of August at Southampton-house aforesaid, the said John Charnock did traitorously assent to perform the best he could in fulfilling of your treasons, contrary to your allegiances you owe to the queen's most excellent majesty, her crown and dignity, and contrary to divers statutes in such case provided.

Sandes. How sayest thou John Ballard, art thou Guilty of these Treasons whereof thou standest indicted, or not?

Ballard. That I practised the delivery of the queen of Scots, I am Guilty; and that I went about to alter the Religion, I am Guilty; but that I intended to slay her majesty, I am not Guilty.

Sandes. Answer directly, art thou Guilty according to the purport of the Indictment?

Ballard. I answer as my case is.

C. J. *Anderson.* Either deny the Indictment generally, or confess it generally.

Hatton. Ballard, under thine own hand are all things confessed; therefore now it is much vanity to stand vain-gloriously in denying it.

Ballard. Then, sir, I confess I am Guilty..

Sandes. How sayest thou, Anthony Babington, art thou Guilty of the Treasons contained in the Indictment?

Babington. Then began Babington with a mild countenance, a sober gesture, and a wonderful good grace, to declare the beginnings and proceedings of his Treasons, which was according as he was indicted, and according to Savage's Confession, and Ballard's Indictment. In the end he laid all the blame upon Ballard, for bringing him to his destruction.

Hatton. A very fit author for so bad a fact!

Babington. Very true, sir, for from so bad a ground never proceeds any better fruits; he was he that persuaded me to kill the queen, and to commit the other Treasons, whereof now I confess myself Guilty.

Sandes. How sayest thou, John Savage, art thou Guilty of the Treasons contained in the Indictment?

Savage. I am Guilty.

Sandes. How sayest thou, Robert Barnewell, art thou Guilty? &c.

Barnewell. I never intended harm to her majesty's person, but I confess I knew thereof, and I held it not lawful to kill the queen: howbeit, for my other actions, forasmuch as I know I am within the danger of the law, I plead Guilty.

Sandes. How sayest thou, Chidiock Titchbourne, art thou Guilty? &c.

Titchbourne. That I knew of these Treasons and concealed them, I must confess that I am Guilty; but unto the rest, I am not Guilty.

Sandes. You must either answer Guilty, or not Guilty.

Titchbourne. What I am guilty of, I plead Guilty, and I will confess no more.

Hatton. Then you may plead not Guilty.

Titchbourne. Then, sir, I say, that I am not Guilty.

Hatton. Very well, stay then till we have asked as much of Salisbury and Donn, and then you shall be tried.

Sandes. How sayest thou, Henry Donn, art thou Guilty? &c.

Donn. When I was moved, and made privy to these Treasons, I always said that I prayed unto God, that that might be done, which was to his honour and glory.

Hatton. Then it was thus, that they said the queen should be killed, and thou saidst, God's will be done.

Donn. Yea, Sir.

Hatton. O wretch, wretch! thy conscience and own confession shew that thou art Guilty.

Donn. Well, sir, then I confess I am Guilty.

Sandes. How sayest thou, Thomas Salisbury, art thou Guilty?

Salisbury. For killing of the queen's majesty, I protest I always said I would not do it for a kingdom.

Sandes. You are indicted, that you practised the delivery of the queen of Scots, the invasion of this land with foreign forces, and of stirring up rebellion and sedition in this realm; are you Guilty of that?

Salisbury. Then I am Guilty of that I stand indicted of.

Sandes. Chidiock Titchbourne, thou hast pleaded not Guilty, how wilt thou be tried?

Titchbourne. I beseech you, my lords, give me leave to speak.

Hatton. Say what you will.

Titchbourne. I thank your honours: My good lords, in the beginning of this broil I had sent for my horses to ride into the country; and the occasion of my longer abode in London, was for that I had a lame leg. Then what probability may it be, that I went to kill the queen here hard by London; when, had it not been for my lame leg, I had been in Hampshire.

C. J. *Anderson.* Well then, if you plead not Guilty, we will proceed to your Trial.

Sandes. How sayest thou, art thou Guilty, or not Guilty?

Titchbourne. I will confess a truth, and then I must confess that I am Guilty.

Then albeit nothing were to be done but Judgment to be given; yet for satisfying all the people, her majesty's learned Council gave in such Evidence, as would sufficiently prove the Indictment; First Savage's own Confession according to his former Arraignment, how that Gifford hearing them talk of services at Rhemes, said, I know not what service you mean. But what say you to such a service, meaning the cutting of the throat of the queen of England, and of the earl of Leicester? saying, he should never do more good than kill an excommunicate person, and that to do the same were a far better service than to study divinity. And Gifford said moreover, that if Savage failed to do it, others should do it. And how that Ballard going over into France at Lent last, did meet with one Grateley, who brought him to Charles Paggett, who told him that the pope would reform the state here in England; and how that Barnardino de Mendoza said the king of Spain his master would invade this realm. And that thereupon Ballard should be sent into England to know what friends they could make, and thereupon Ballard took an oath to perform the same; and how that he had in mind to move Babington in that behalf before he came, and that he came over about Whitsuntide last. And breaking the same with Babington, who thereupon said that the invasion would never come to effect during her majesty's life; whereupon Ballard said that would easily be removed, and then made him privy to Savage's practice: and that thereupon Ballard sent to Savage to speak with him on Lambeth side, and there told Savage of Babington's practice, and brought him to Babington, who was not friends with Savage before. Then Ballard went into the North to solicit the people, and at his coming up, said he had made 500 sure more than he knew of before. Furthermore, it was declared that during Ballard's abode in the North, Babington did write Letters to the Queen of Scots, a true copy of which letters written with Babington's own hand were read in the court: wherein he began, "Most high and mighty princess, his true and sovereign liege, to whom alone he oweth fidelity; declaring how he was her servant, and that he studied to devise her one good day's service; and how himself with ten gentlemen, and an 100 horse, would work her delivery from the custody wherein she was, being in the guard of a Puritan knight, a mere Leicestrian. And how that he had appointed six noble gentlemen for dispatch of the wicked competitor, declaring also at large the remainder of his treasons, and what means he had invented to compass the same." And then Ballard returned from the North; and before it was determined that Savage should have gone to the North, but he could not go, because he had sworn to kill the queen. And therefore when Babington had devised that six should kill the queen, Savage would not agree, except himself were one: and how in the mean season, Ballard on Thursday the 4th of August, about 11 of the clock, was apprehended. Then Babington went to Titchburne's lodging, where not finding him, he went to a barber's without Bishopsgate, where were his own, Titchbourne's and Savage's pictures; and on Babington's picture was written, '*Hi mihi sunt Comites, quos ipsa pericula jungunt.*' But then misliking that, was written; '*Quorsum hæc alio properantibus.*'—Then Babington went to Smithfield, and there walked with Titchburne, and there said unto him, I had rather than 500*l.* thy leg were whole, for then this matter should be dispatched. Also Salisbury confessed how Babington, Titchbourne, and he had communication as concerning the sacking of the city of London. Also it was proved by their Confession, how that to provide themselves of money for this practice, they had devised to rob all the richest men in England, and to set fire on the ships (although Babington misliked to fire the ships), and to cloy all the great ordnance. And all the indictment was sufficiently and most plainly proved by their Confessions, accordingly as they were intended.

Sandes. John Ballard, thou hast been indicted of High-Treason, and thereupon arraigned, and hast pleaded Guilty; what hast thou to say for thyself, wherefore Judgment and Execution of Death should not be given against thee?

Ballard,—spake something, but not to any effect.

Sandes,—demanded of Babington in like manner.

Babington. Who said he was Guilty of the Treasons, according to his Confession, for killing of the queen, and the rest, by Ballard's persuasion.

Hatton. O Ballard, Ballard, what hast thou done? A sort of brave youths otherwise endued with good gifts, by thy inducement hast thou brought to their utter destruction and confusion.

Babington. Yea, I protest before I met with this Ballard, I never meant nor intended for to kill the queen; but by his persuasions I was induced to believe that she was excommunicate, and therefore lawful to murder her.

Ballard. Yea, Mr. Babington, lay all the blame upon me, but I wish the shedding of my blood might be the saving of your life: howbeit, say what you will, I will say no more.

Hatton. Nay, Ballard, you must say more and shall say more, for you must not commit High-Treasons and then huddle them up; but is this thy *Religio Catholica?* Nay rather, it is *Diabolica.*

Sandes. John Savage, thou hast been indicted of High-Treason, &c. (*ut sup.* to Ballard.)

Savage answered nothing, neither did Titchbourne, being demanded in like sort also.

So Sandes demanded of Robert Barnwell in like manner.

Barnewell. Forasmuch as I have offended against the law, I am contented to suffer pu-

nishment according to the law; howbeit, I here protest what I have done, was only for my conscience-sake, neither did I ever intend violence to her majesty's person.

Hatton. O Barnewell, Barnewell, didst not thou come to Richmond, and when her majesty walked abroad, didst not thou there view her and all her company, what weapons they had, how she walked alone? and didst traverse the ground, and thereupon coming back to London, didst make relation to Babington, how it was a most easy matter to kill her majesty, and what thou hadst seen and done at the court? yes, I know thou didst so: how canst thou then say, that thou never didst intend to lay violent hands on her majesty? Nay, I can assure thee moreover, and it is most true which I say, that her majesty did know that thou didst come to that end, and she did see and mark thee how thou didst view her and her company; but had it been known to some there, as well as unto her, thou had never brought news to Babington. Such is the magnanimity of our sovereign, which God grant be not over-much, in not fearing such Traitors as thou art.

Barnewell. What I did was only for my conscience-sake, and not for any malice, or hatred to her majesty's person.

Hatton. Then wouldst thou have killed the queen for conscience. Fie on such a conscience!

Sandes. Henry Donn, thou hast been indicted of High-Treason, &c. *ut supra* to Ballard; What canst thou say for thyself wherefore Judgment and Execution of Death should not be pronounced against thee?

Donn. What I have done herein, was for my religion and conscience sake; and since it is counted treason, I must abide the punishment, and therefore *Fiat voluntas Dei.*

Sandes. Salisbury, What canst thou say wherefore judgment, &c.

Salisbury. I beseech her majesty's most merciful Pardon for my offence.

Then Mr. Attorney began to declare at large the sum of their Treasons: How they had conspired her majesty's Death, and to make the queen of Scots queen of England; and if peradventure she miscarried in these hurliburlies as to be slain, then would they set up the king of Scots, if he were a Catholic; if he were not a Catholic, then would they enforce the king of Spain to take the crown and set it on his head, and derive him a title from the house of Clarence. But because that title would be but slender, the pope should dispense, and so make it clear without question. Furthermore he declared, how priests continually had been the beginning of all the treasons committed against her majesty; he began at the rebellion in the North, and so proceeded till the Treasons of Throckmorton and Parry, and so ended.

Then began Sir *Christopher Hatton*, and made an excellent good speech, in opening and setting forth their Treasons, and how they all proceeded from the wicked priests the ministers of the pope. And first he shewed, How these wicked and devilish youths had conspired to murder the queen's most excellent majesty; secondly, To bring in foreign invasion; thirdly, To deliver the queen of Scots, and make her queen; fourthly, To sack the city of London; fifthly, To rob and destroy all the wealthy subjects of this realm; sixthly, To kill divers of the Privy Council, as the earl of Leicester, the Lord Treasurer, Mr. Secretary, sir Ralph Sadler, sir Amias Paulett; seventhly, To set fire on all the queen's ships; eighthly, To cloy all the great Ordnance; ninthly and lastly, To subvert religion, and the whole state of government. The inventers and beginners whereof were these devilish priests and seminaries, against whom he doubted the parliament had not yet sufficiently provided, who, now-a-days, do not go about to seduce the antient and discreet men, for they (as the priests say) be too cold; but they assail, with their persuasions, the younger sort, and of those, the most ripe wits, whose high hearts and ambitious minds do carry them headlong to all wickedness. In the end, he concluded with remorse for the youth of some of these unhappy men, and with detestation of the facts of Ballard; and also shewed forth a notable proof of the falsehood of these lying papists, which was a book printed at Rome, and made by the papists, wherein they affirm, That the English Catholics which suffer for religion, be lapped in bear-skins, and bated to death with dogs; a most monstrous lie, and manifest falsehood.

Then spake my lord *Anderson* to the like effect, almost in every point, in abhorring the abomination of the Jesuits and Seminaries; and in the end concluded with an Exhortation for the health of their souls; and last of all pronounced the Sentence of their Condemnation.

Mr. Babington's Letter *to the* Queen *after his Condemnation, sent from the Tower and delivered by his Wife.*[*]

"Most gracious Sovereign; If either bitter traces, a pensive contrite heart, and doleful sighs of a wretched sinner, might work any pity in your royal breast, I would wring out from my drained eyes as much blood as in bewraying my dryery-tragedy should lament my fall, and somewhat, no doubt, move you to compassion; but since there is no proportion between the quality of my crime and any humane consideration, shew, sweet queen, some miracle on a wretch that lieth prostrate in your prison most grievously bewailing his offence, and imploring such comfort at your anointed hands, as my poor wife's misfortune doth beg, my child's innocency doth crave, my guiltless family doth wish, and my heinous treachery least deserve. So shall your divine mercy make your glory shine far above all princes, as my most horrible practices are most detestable amongst your best subjects, with whom that you may long live and happily govern, I beseech the Mercy-Master to grant for his sweet Son's sake Jesus Christ. Your majesty's unfortunate because disloyal subject, Ant. Babington."

[*] MS. Bib. Harl. 787, p. 50.

63. The Trial of Edward Abington, Charles Tilney, Edward Jones, John Travers, John Charnock, Jerome Bellamy, and Robert Gage, at Westminster, for High Treason: 28 Eliz. 15th of September, A. D. 1586.

On Thursday the 15th of September, the Commissioners came, and the cryer commanded silence, and the Lieutenant of the Tower was commanded to bring forth the Prisoners, which were Edward Abington, Charles Tilney, and Edward Jones, esquires; John Travers, John Charnock, Jerome Bellamy and Robert Gage, gentlemen; and Elizabeth Bellamy, widow. All which the lieutenant of the Tower had ready at the bar, and there informed the Court, the woman's name was Catharine and not Elizabeth: whereupon the Lieutenant was commanded to take her from the bar, and bring her to some other place. Whereupon Sandes, Clerk of the Crown, began in sort ensuing; Edward Abington, Charles Tilney, Edward Jones, John Travers, John Charnock, Jerome Bellamy and Robert Gage, hold up your hands: which being done, he proceeded,

Clerk of the Crown. Before this time ye were indicted, that where Bernardyne de Mendoza, a Spaniard, Charles Paget and John Ballard, the 2d day of April, in the 28th year of the reign of our sovereign lady the queen's majesty, that now is, at Paris in France, did confer in what place this realm of England most aptly might be invaded, and what aid and assistance might be procured for the same, and how and by what ways and means Mary queen of Scots might be delivered from the custody wherein she was. And that thereupon it was resolved by the counsel of Morgan, a most notorious Traitor, that the said Ballard should pass into this realm of England to understand what help might be procured, and to prepare ports to land the enemies, for to invade the realm, and to prepare ways and means how Mary queen of Scots might be delivered; and thereupon the said John Ballard, coming into England; you the said Edward Abington, Charles Tilney, Edward Jones and John Travers, together with Anthony Babington, John Ballard, John Savage, Henry Donn, Thomas Salisbury, Chidiock Titchbourne and Robert Barnewell, as false Traitors, the 8th day of June, in the 28th year of the reign of our sovereign lady the queen's majesty that now is, at St. Giles's in the Fields, in the county of Middlesex, did conspire the queen's most excellent majesty, not only from her crown and dignity to depose, but also her to kill and slay, and to stir up Sedition and Rebellion in the realm, and slaughter among the subjects for to make, and the government and religion to subvert, and the whole estate for to destroy, and divers strangers, her majesty's enemies, to invade the realm, did procure and stir up. And afterwards, the twelfth day of June, in the year aforesaid, thou the said Charles Tilney and Anthony Babington, Robert Barnewell, and Chidiock Titchbourne, went to St. Giles's aforesaid, to confer by what ways and means your traitorous compassed imaginations might be brought to pass; and there, the same day, had speech, and did confer how your Treasons might be performed: And on the said 12th day of June, in the year aforesaid, at St. Giles's aforesaid, did conclude, that thou the said Charles Tilney, and Robert Barnewell, and Chidiock Titchbourne, would kill the queen, and aid the foreign enemies that should invade the realm; and that thou Edward Jones, with Thomas Salisbury, to perform your traitorous imaginations, the 13th day of June, in the 28th year aforesaid, went to St. Giles's aforesaid, to confer how your traitorous compassed imaginations might be brought to pass. And thereupon thou the said Edward Jones, with the said Thomas Salisbury, the 15th day of June, in the year aforesaid, at St. Giles's aforesaid, did conclude and agree traitorously to join with the said Thomas Salisbury, for the delivery of the said Mary queen of Scots, and for to aid and assist the foreign enemies which should invade this realm: And that thou the said John Travers, to fulfil thy traitorous compassed imaginations, the 15th day of June, in the 28th year aforesaid, traitorously didst go to Clerkenwell, within the county of Middlesex, to confer by what means your treasons might be brought to pass: And the same 15th day of June, at Clerkenwell aforesaid, in the county aforesaid, had speech, and did confer how your traitorous compassed imaginations might be brought to pass. And the 16th of June at Clerkenwell aforesaid, in the county aforesaid, didst appoint and conclude, with the said Thomas Salisbury, to join with him for the delivery of Mary queen of Scots, and in aiding and assisting the foreign enemies which should invade this realm. And further, that thou John Charnock, with Thomas Gerrard knight, John Ballard and Anthony Babington, the 27th of July, at St. Giles's aforesaid, in the county aforesaid, didst conspire the queen's most excellent majesty, not only from her crown and dignity to depose, but also her to murder and slay, and to make sedition and rebellion, and slaughter of her majesty's subjects, and the true and christian religion to subvert, and the whole estate and government to alter. And that thou John Charnock traitorously didst go to Southampton House in Holbourn, within the said county of Middlesex, the last day of July; and the same last day didst confer there with John Ballard, how your traitorous compassed imaginations might be brought to pass; and there-

upon, the 2d day of August at Southampton House in Holbourn aforesaid, didst conclude and agree to do the best thou couldst for performance of the Treasons aforesaid. And that thou Jerome Bellamy and Robert Gage, knowing that the said Anthony Babington, Robert Barnewell and Henry Donn, had committed High-Treason at Harrow on the Hill, in the county of Middlesex, did receive and aid them, contrary to your allegiance you owe to our sovereign lady the queen, her crown and dignity, and contrary to divers statutes in such case provided. How sayest thou, Edward Abington, art thou Guilty of the Treasons whereof thou standest indicted, or not Guilty?

Abington. Not Guilty.

Sandes. How wilt thou be tried?

Abington. By God and my good country.

Sandes. Thou must say, by God and my country.

Abington. Yea Sir, by God and my country.

Sandes. How sayst thou, Charles Tilney, art thou Guilty, &c.?

Tilney. In no sort Guilty, no more Guilty than you are.

Sandes. Answer me directly, art thou Guilty or not Guilty?

Tilney. No Sir, I am not Guilty; and that I am ready to answer and prove.

Sandes. How wilt thou be tried?

Tilney. By God and honest men.

Hatton. What answers are these? Abington says, By God and my good country; and thou sayst, By God and honest men. Thou must say, By God and my country.

Tilney. Yea Sir, so I say.

In like manner, Jones, Travers, Charnock, Bellamy, and Gage pleaded Not Guilty.

Thereupon was an Inquest of Middlesex called, who appeared at the Bar, and their Names were, Rd. Martin, Wm. Fleetwood, Jasper Cholmeley, Wm. Kempton, Robert Loshe and John Barnes, esqrs. John Hill, Rob. Wood, Tho. Hargrave, Tho. Clark, John Chawkellett and John Draper, gentlemen.

Then said Sandes to the Prisoners, Have you any Challenge?

Tilney. No, not I; for I know them not.

Anderson. Lieutenant of the Tower, take away Gage and Bellamy to some other place out of the hearing of the court.

So the Lieutenant did.

Abington's Trial.

Then said Abington, I beseech your honours I may have a pair of writing-tables to set down what is alledged against me, that I may yield a sufficient Answer thereunto.

Sandes. It was never the course here.

Hatton. When you hear any thing you are desirous to answer, you shall speak an Answer at full, which is better than a pair of tables.

Serj. *Puckering.* Well Sir, then will we give Evidence. And first, because it falls out that, Abington and Tilney were acquainted with Savage's Conspiracy, we will shew a little that which yesterday was opened at full; and therefore, by Ballard's Confession, this summer was twelvemonth, Ballard went into Scotland to understand of the willingness of the people, and Tilney offered to go with him.

Tilney. Yea Sir, so I did: What can you prove by that?

Puckering. Soft, I will tell you when I come to give Evidence against you. After Christmas, Ballard went into the North, and afterwards had speech with Tilney to go over beyond the seas, and Tilney agreed and was contented. Ballard went over and sent letters to Tilney, desiring to stay till Ballard came over back, and he would tell him more. When Ballard came over, Tilney was acquainted with Savage's purpose, and Abington too: But then Ballard fell acquainted with Babington, and so came a greater conspiracy. And Abington put forth a proposition to surprize the queen, and Tilney was privy: And it is under Babington's hand, that Tilney, Tichbourne, Barnewell and Savage undertook to kill the queen. Jones, at London, talked with Salisbury, and stayed for him, and was privy to a writing that was sent for Salisbury's apprehension. And Jones repaired unto Salisbury at midnight, being in Jones's house, and told him, That he had undone them all, and lent him his own horse, and his man's cloak. Charnock, the same day that Ballard was taken, was moved by Babington to be one of the six to kill the queen; and he assented, and afterwards lent Babington apparel to fly in. Whereupon was Ballard's confession read, which was, that he confessed, That he conferred with Paget about the state of our country; and that Ballard said, It is now more easy to invade the realm than before, because the earl of Leicester, with the best of our captains, were in Flanders: and that they two talked with Mendoza; who asked them, what armed men they could make, and what ports they could yield to the invaders for to land in; and Mendoza told them, his master had a greater preparation than ever he had by sea, but he knew not for what matter; but he said, He cared not whether they have any help of them or no: but said, If you will not assist us herein, we will be as conquerors when we come, and use him also like enemies. For when it came to the brunt, they always shrunk, only he had a great care for the delivery of the queen of Scots, and so sent Ballard into England; and said, His master, the king of Spain, had vowed to lose his crown, and the pope his life, but they would convert England, and deliver the queen of Scots. After Ballard arrived, he talked with Babington, and he seemed willing: Also he confesseth the killing of the queen.

Attorney, (sir John Popham). Edward Abington, upon his Examination, denieth he knew Ballard; which we will prove to be false: Therefore read first his Denial, which was, That he denied the surprizing of her majesty; he denieth the knowledge of Ballard, Fortescue, or Brown; he denieth the delivery of the queen of Scots; and being told, that the

Frenchmen would invade this land, he said, He would spend his life in her majesty's defence: He confesseth, that on Sunday was sevennight, he and his brother lay on a haymow.

Solicitor, (sir Thomas Egerton). Whoso is guiltless will speak truly and directly, but the counterfeit must speak untruths. Thereupon was another Examination of his read, which was, That Ballard being brought to his face, said, That Ballard was not with him since Whitsuntide; but he confesseth, he knew him some years ago at Chertsey, Abington's brother confesseth, that Ballard was twice at Edward Abington's lodging at Charing-Cross; and at one of the times his brother Ballard talked secretly in one end of the chamber: And Ballard was first acquainted with Thomas Abington at Rheims; and Ballard saith, That he made Edward Babington acquainted with these treasons, and he gave his consent. And Babington saith, that Abington moved first the surprize of the queen. Then was read the Confession of Babington, which was, that Edward Abington moved first the surprize of the queen to some strong place, and there to move her for reformation or toleration of religion. Tilney confesseth, That at the Three Tuns in Newgate-market, Babington moved a proposition for removing of the Lord-Treasurer and Mr. Secretary; and that Abington spake broad speeches concerning that matter; and that Tilney did reprove him for the same.

Tilney. I deny it, I never said so.

Puckering. Here is your own hand, and read it.

Tilney. It is mine own hand, but what did I mean? When I said concerning that matter, I must interpret mine own meaning, I meant to speak broad words concerning religion.

Attorney. Then belike you reproved Abington for religion?

Tilney. Yea, I reproved him for speaking broad words concerning religion.

Attorney. What matter did you talk of then but Treason? It is well the Jury doth hear your answers.

C. B. *Manwood.* Tilney, you are too hot, this Evidence is against Abington, you shall answer yourself when it comes to you.

Solicitor. Tilney confesseth that there was speech between him and Abington concerning a surprize of the queen; and that Abington said, he would ride to Thomas Salisbury, in to the country.

Then said the Queen's Attorney unto the Jury, You perceive how that Abington is found false for his acquaintance with Ballard.—Then was read Babington's Confession, that Abington and Tilney were disposed to kill the queen.

Attorney. Salisbury confesseth, that Abington desired him to make haste to his country; and said, He understood by Babington of certain matters, and that he would come to Salisbury's country for things to be done shortly.

Solicitor. He confesseth himself, that he was privy unto it, and concealed it.

Then was read Babington's Confession before the lords, which was, That when certain Seminaries in Rome came to take leave of the pope, and to kiss his foot, the pope asked what they were; and it was told him, that they were Englishmen, which went to spend their lives for reformation of religion in their country. The pope said, it was a good slow way; but said, that he would make a bridge over that ditch into England ere it were long. Also he confesseth, That he and Babington heard Edward Abington use speech to the same effect.

So you hear how Babington sets down Abington to be one of the six to kill the queen. Also here is Ballard's own hand, that Babington appointed six to kill the queen, Abington, Titchbourne, Tilney, and others.

Abington. It is very well, if I be at Babington's commandment; I protest I never knew thereof.

Solicitor. Here is Babington's Letter to the queen of Scots, which proveth you to be one.

The Letter was read; among other, this Sentence was in: There be six noble gentlemen which have undertaken the tragical Execution, meaning the murdering of the queen of England, only it resteth, that their attempt be honourably rewarded.

Abington. I protest before heaven and earth, as I am a true Christian, I never knew thereof.

The Letter went further, and contained this; All the actors have vowed, either to die, or else to perform their purpose.

Abington. This is Babington's brag, to get credit with the queeh of Scots.

Attorney. We will prove, Abington, that thou didst provide armour of proof too for your brother and yourself, and one for another person.

Then was Foster's Examination, an armourer in Holborn, read, which proved so much directly.

Attorney, to Hatton. Mr. Vice Chamberlain, you desired Abington to set down the truth of these things, thereupon he set down a great deal in writing, and yesterday he tore it in a hundred pieces; and here Mr. Lieutenant of the Tower hath given me the pieces, and here they be.

Hatton. Abington, you be very obstinate, and seem indurate in these treasons.

Abington. I will answer what is laid against me: My first acquaintance was with Savage, by reason that my brother and he were both of Bernard's-Inn, and by him came I acquainted with Savage, who talking with me, he told me of a Book written at Rhemes, which inveighed against the earl of Northumberland, Throckmorton and Parry, for that they intended violence against her majesty's person, which Book I liked; yea, but, said Savage, it may be but for a colour. Then he told me, that it was written but for to blind the counsellors in England, and make them secure and careless, when in very deed they at Rhemes desire no-

thing more than the murder of the queen of England. Then I answered, He that allows of Parry's actions, savours not of divinity. And this I protest is true. For Ballard's acquaintance, true it is, he came unto my chamber, and I knew him not; and then he told me, he had seen me four years ago at Chertsey. So then I asked, What news? And he told me of an invasion intended against this country. Whereunto I gave such cold Answers, and such cold entertainment, as I never saw him since. For my doings with Babington, his lodging was right in my way to go from Charing-Cross, through the fields to London; and true it is, he made me privy to his treasons, and that I concealed them: and when he told me strangers would invade this realm to reform religion, I protested to Babington, I had rather be drawn to Tyburn by the heels for my religion than to have it reformed by strangers. And for Babington's Accusation, what force can it be of? for he having committed and confessed Treason in the most high degree, there was no hope for him but to accuse.

Hatton. For Babington's hope thereof, I am persuaded he hath no hope at all; and my lords here can assure there is no hope at all of his life: but he confessed what he knew for discharge of his conscience; and what he did, he did it willingly and voluntarily: for had not Babington voluntarily named Abington, who could have named Abington? And had he not also willingly accused Tilney, who could have accused Tilney?

Abington. Well then, Sir, to you my lords the Judges I do now speak: There is a statute in the first and thirteenth of this queen made, That who shall conspire, &c. it shall be Treason, &c. provided, that he shall have two lawful witnesses, face to face, to avow it, &c. Now may it please your honours to have two lawful witnesses, to testify against me. As for Babington, what witness can he be, a condemned man, Savage a condemned man also, and Ballard a condemned man likewise? So then there is no witness against me; but I stand not upon this point, I stand upon mine own not guiltiness. Furthermore, it is not proved that Babington and I would be one to kill the queen, but that he had appointed me to be one; and it is not proved that I knew thereof: and that I said to Salisbury, I would come into the country to understand of things to be done, I protest I remember not; for what needed any coming into the country to understand, when as Salisbury and Babington did ride to St. Albans in Babington's coach?

C. B. *Manwood.* You answer by arguments, and not by answers.

Abington. If it be true, that they rode together, as it is most true, what needed those speeches?

C. B. *Manwood.* That only answereth that Babington might confer; but it doth not answer, that you needed not to go into the country to understand of things to be done, for you rode not in the coach with them.

Abington. I protest before God, I remember not that ever I said so.

C. B. *Manwood.* Let the Jury consider of this Answer.

Anderson. For answer to you, Abington, for the point of the statute, true it is, had you been indicted on the Statute of the 1st and 13th of this queen, two Witnesses ought to have been produced; but you stand indicted by the common law, and the Statute of 25 Edw. 3, which is, who shall intend the death of the king, &c. and in that statute is not contained any such proof.

Tilney. The statute of 25 Edw. 3 is, who shall compass or imagine, &c.

Anderson. Very well, and not contained to prove by witnesses, as you would have it.

Solicitor. See how they would acquit themselves for want of Witness; and if it should be as they would have it, then could never any Treason be sufficiently proved. The statute of 1 Eliz. is so, the Overt-Act must be proved by two Witnesses; but the statute of 25 Edw. 3 is, Who shall imagine: how then can that be proved by honest men, being a secret cogitation which lieth in the minds of traitors? And such traitors will never reveal their cogitations unto honest men, but unto such as themselves, and they I hope be no honest men; so then they would have their treasons never revealed.

Abington. For answer that I lay in a Haymow, it is most true I was in Herefordshire, when my house in Worcestershire was in searching, and there I heard how my house was searched; and coming to Worcestershire, the country hearing of the horribleness of the things wherewith I was charged, I knew none would receive me nor entertain me; and so I was constrained to lie in a Hay-mow. And for preparing mine armour, I protest I had the same in Shoe-Lane, and would have had it ready against the going over of the earl of Leicester; and hearing him in Holborn to be commended for the most singular man in England in his trade, I sent to him to have it finished.

Then said the Attorney to the Jury, You have heard how Babington confesseth Abington would be one to kill the queen, and you have heard his Answer thereunto.

Abington. If Babington ever moved it to me, let me die for it.

Attorney. It is Babington's own Confession, that six, whereof Abington was one, were disposed to kill the queen.

Abington. If ever I imagined, or any part thought of the indictment which you have alledged, I beseech God I sink as I stand in this place.

Anderson. You had a seminary priest in your house.

Abington. He was only with me, but not in mine house.

Hatton. Before Babington was taken, Ballard did voluntarily declare, that you two, Abington and Tilney, were disposed to kill the queen.

Anderson. The Jury hath heard the Indictment and your Answers, let them consider thereof in their consciences.

TILNEY'S TRIAL.

First was read his Confession, wherein he denied Ballard's acquaintance, and he denied that ever he heard Ballard say, we should have a new world shortly. Then was read Ballard's Confession, which was, That before Christmas last, Ballard did confess Gage and Tilney at a house in Holborn.

Tilney. I denied Ballard's acquaintance, because, by the last statute, he is a Traitor, and not for my guilt or crime. And for that I was confessed by him, it was no otherwise than all the subjects of the realm of England were confessed in the days of king Henry 7.

Solicitor. But now is the estate of this realm quite other than it was in the days of Henry 7. For now the pope is the greatest enemy her majesty hath, but it was not so then.

Tilney. How know I the pope is her greatest enemy?

Hatton. Know not you how he invaded the realm of Ireland?

Attorney. Know not you how he induced Mary?

Tilney. No, Sir, in my conscience wherein I shall die, I never conspired any treason.

C. B. *Manwood.* Were not you sworn when you were made a pensioner? How far different is it to these actions, to be confessed, and to conceal Traitors?

Tilney. Yea, Sir, but I was not then a Catholic, but now I am; for which I thank God most heartily.

Puckering. Did not you say, if her majesty would forgive you this, you would never deal more with any seminary priest; but if there were any old priest in England, you would have him, if he were to be gotten for money?

Tilney. But what is this? This only concerneth my religion, which I was promised I should not be charged withal.

Attorney. No more you are for lands nor goods, this is only an introduction to the Treason.

Then was read Tilney's own Confession, wherein he confessed (which also was given in evidence against Abington) that Abington said, Why might not her majesty be as well surprised as the queen of Scots? Which words he spake at the Three Tuns in Newgate-market. He confessed, Ballard came to his chambers in Westminster, in his withdrawing-chamber (as it was termed), where Ballard told him, He had provided a pension for Windsor in France, and would do so for him; and told him of an invasion intended against this realm: He confesseth, he would have gone to Scotland to have lived there among the Catholics, when Ballard went thither; and said, that Windsor made him acquainted with Ballard.

Tilney. These things I confess, but yet it is no Treason to hear treason talked of by others; as for myself, what presumptions may there be if I should be guilty, being her majesty's sworn servant, (whose highness God grant long to reign) a young man of small ability, neither in lands nor goods able to make any power at all? For religion, I confess I am a catholic, which I thank God for it, but that I am not now to be charged withal. As for Ballard's coming to me, I do confess it; but it was in such public manner, as no man in the world could judge his coming for any such intent as Treason: for he came openly in the day-time, not in the night, and never came disguised.

Solicitor. Tilney, you say true; he came not disguised, but I will tell you how he came; being a popish priest, he came in a grey cloak laid on with gold lace, in velvet hose, a cut sattin doublet, a fair hat of the newest fashion, the band being set with silver buttons; a man and a boy after him, and his name captain Fortescue.

Tilney. All this concerneth my religion only.

Solicitor. You confess that you were privy to these Treasons; then we will prove directly that you did assent thereunto.

Then was read Ballard's Confession, wherein Ballard thinketh that Tilney did assent to kill the queen, for he saw him not dissent when he told him these Treasons: likewise Tilney requested him for some pension in France when he came over.

Tilney. I stand upon the assent.

Solicitor. Ballard affirmeth it; Babington said that you Tilney were one of the six.

Tilney. Babington told him so! That proves that Babington forsooth will be a statesman, when God knows he is a man of no gravity.

Solicitor. Abington's Confession is, that Tilney and Abington were disposed to kill the queen.

Puckering. Babington said yesterday at the bar, that Tilney would have had her majesty set upon in her coach.

Tilney. No, I said not so; only at the Three Tuns in Newgate-market, I said it might be her majesty might be set upon in her coach, and I said no more. But that proves not I did consent.

Attorney. You have said enough, if we had no other evidence against you.

Tilney. How so?

Attorney. Because you have confessed High Treason.

Tilney. I tell you no, there is no such matter intended in my words.

C. B. *Manwood.* Your censure was your assent, and your censure was to kill the queen in her coach.

Hatton. Your words prove that you were concluded upon the matter, and were devising on the manner.

Attorney. Babington and Ballard reckoned Tilney for one of the six to kill the queen, as by their confession appeareth.

Tilney. The first time that I knew Babing-

ton, was, that he came to my chamber in Westminster, to crave mine acquaintance; I used him courteously, as appertained to a gentleman. The second time was at the Three Tuns in Newgate-market. And the third time was in the fields, and I never saw him else: that I should trust him in so high a matter for three times acquaintance, is altogether improbable. As for Babington himself, albeit he be very wise, yet is he altogether vain.

Hatton. Babington declared all this voluntarily, for who could accuse Tilney before Babington named Tilney?

Tilney. I will tell you how I meant my words in Newgate-market. If a servant which is faithful, knowing where his master's money is, do say, If I would be a thief, I could rob my master, for in such a place his money is; this proves not that he would rob his master, albeit he used such words. And so, although I said she might be set upon in her coach, it proveth not that I assented to the same; for I protest before God, I never intended any Treason in my life.

Anderson. But if a servant, knowing where his master's money is, among thieves which are devising to take away the master's money, do say, This way my master's money may be taken, and be in view when it is taken; I say that he is accessary. And you, Tilney, being amongst traitors, that were devising how to kill her majesty, to shew by what means her majesty might be slain, it manifestly proveth your assent. Therefore let the Jury consider of their Evidence.

Tilney. Then said Tilney unto the jury, My very good friends and countrymen of the Jury, forasmuch as I am charged highly to have offended against the law, I am now to be tried according to the law by you. And therefore if you shall find this Evidence sufficient to prove my guilt, you ought to find me Guilty; but if you see in your consciences that I have answered fully each objection laid unto my charge, I charge you to find me not Guilty, as you will answer me at the dreadful Day of Judgment.

The Trial of Jones.

First was read his Confession, That he said to John Travers at Jones's house in Denbighshire, Salisbury hath brought us all to destruction. What remedy? said Travers: it is then time for us to be packing. But Jones lent Salisbury his horse to ride away with. Salisbury confessed he acquainted Jones with the foreign invasion, and delivery of the queen of Scots, desiring his aid, which he promised him in Lincolns-Inn-Fields: and how that Salisbury fled upon Jones's relation of Babington's apprehension. Also Salisbury confessed that he caused Jones to protest he would not discover him. Jones saith in his Examination, that Salisbury never asked his assent, because he always thought himself assured of him. Also Jones said to Salisbury, What have you done? You have undone us all. This was the effect of the Evidence which was given against him.

Jones. For concealing of the Treason, I put me to her Majesty's mercy; I confess I hastened Salisbury away.

C. B. *Manwood.* Then you deny not but that you horsed him away?

Jones. Then said Jones to the Jury, I confess this, and put me to her majesty's mercy; my case was hard and lamentable, either to betray my dearest friend, whom I loved as my ownself; and to discover Thomas Salisbury, the best man in my country, of whom I only made choice; or else to break my allegiance to my sovereign, and so undo myself and my posterity for ever. And this was my case.

Travers's Arraignment.

Salisbury confessed he acquainted John Travers with his Treasons, and that he consented unto him. And Travers said unto him, he would go beyond the seas with him. Salisbury confesseth he exacted no Oath of Jones and Travers when he acquainted them, but that they protested they would not discover him. Also it was proved that when Jones intended to have gone to Ireland, now lately when it was to have been inhabited by the Englishmen, Travers asked him what he meant to go now, when his presence was necessary; and said, if Mr. Salisbury came home, he would surely stay him.

Then was read Culey's Confession, That Travers and Salisbury fled, and Travers called his name Lacon, and Salisbury called his name Johnson, and that Culey would not change his name, because he had changed it before.

Travers. I fled and changed my name, because I was a Catholic, and doubted to be troubled for my religion and conscience.

Solicitor. Nay, Travers, thou didst fly for Treason; for when Jones told you Salisbury had undone you all, thou saidst what remedy, and that it was time to be packing; and you had your chaplain with you, Culey I mean.

Travers. If he be a priest, I honour him for his priesthood. And he said little else, as one that seemed not to care what Evidence came against him, but was resolute to be hanged.

He confessed nothing in his examination, he denied he had any speech with Babington, saving salutations. He confessed he served in the Spanish camp, and there was acquainted with Savage; and it was proved against him, that he said Savage's sudden bravery would bewray all their matters.

Charnock's Trial.

Charnock. I confess that Ballard did make me acquainted with the invasion of the realm, and the other Treasons, and thereupon I sounded Savage, who answered he was not his own man, but said there was one in the court who should have done that long since, and that he was a Morganist.

Then was read Babington's Confession, that Charnock promised him to be at his commandment, and Babington told him the queen of Scots liked of their actions. And Ballard's

Confession was read, That he told Charnock at large, and Charnock liked very well, and said he would do the best he could herein. And Savage's Confession was read, which was, that Babington moved Charnock to be one of the six, and Charnock told Savage that Babington moved him also.

Charnock. That I said to Babington I would be at his commandment, it is very true; for Babington was my good friend in divers respects, and therefore I thought it pertained to courtesy, to say I remained at his commandment.

Solicitor. Nay, thou didst offer to be at Babington's commandment in this action of Treason.

Then was Babington's Confession read, which was, That he talking in Paul's with Charnock of the Queen's death, Charnock promised to be disposed by him in this action, and that he offered to spend his life, wherein Babington should direct him. Then was read Charnock's own Confession, wherein he confessed he lent apparel to Savage to fly in, and that he fled into the woods himself.

Charnock. Savage and I were acquainted when he was of Barnard's-Inn, and I of Furnival's-Inn, and we both served in the Spanish camp together, and Savage brought me acquainted with Ballard. As for Savage, because I knew he was an excellent soldier, a man skilful in languages, and learned besides: when I met him here in England, I was glad to renew old acquaintance with him. That I should consent to Ballard the 2d day of August, see (if you please) what probability there is to the contrary: For on the 4th of August Ballard was apprehended, and before his apprehension Ballard sent a letter to Mr. Secretary, offering to discover all; myself was the bearer of the letter, and delivered it to one of Mr. Secretary's men: what likelihood is it then, that I knowing of this letter after that Ballard was taken, would consent to Babington to kill the queen, or that I consented to Ballard the 2d of August; Ballard being apprehended the 4th of August, and before that time had written to Mr. Secretary, and myself was the messenger?

Hatton. Savage confronted thee to thy face, and avouched these things to thy face.

Charnock. For flying away with my friend, I fulfilled the part of a friend therein.

Hatton. To perform thy friendship, thou didst break thy allegiance to thy sovereign.

Charnock. Therein have I offended.

Anderson. You of the Jury, you have now heard their several answers at large; go together and consider thereof in your consciences.

Then the Jury, upon this Evidence and their Answers, went up to a house to agree upon their Verdict; and these five Prisoners were sent away from the bar.

Then Bellamy and Gage were called to the bar, and a new inquest were called and appeared at the bar, and Evidence was given against the two Prisoners in sort ensuing.

The Trial of Gage.

First, was given in Evidence that Gage knew Ballard to be a priest, and was reconciled, and gave lodging unto Ballard, and attended Ballard as his man when he went into the North to provoke the people to rebellion: Also when all the matter was discovered, he lent Savage a horse to fly to Croydon, and directed him to one of Savage's father's men, who should help him away: Also that he lent Babington his apparel to fly in. Then was shewed forth his own confession, which was, that Ballard told him we should have a new world shortly, and that he lodged Ballard for his safety: Also he confessed, that during his flight he lodged in a barn: Also he confessed that he was reconciled by Ballard.—Also Charnock's Confession was read, That Gage borrowed apparel of him to fly in.

Then Gage was asked by the Lord Chief Baron Manwood, Wherefore he fled into the Woods?

Gage stoutly and fiercely answered, For company.

Bellamy's Trial.

He confessed that the noise of the country was, that they (that is to say Babington, Barnewell and Donn) had conspired the queen's death, and how that after that he brought them meat into the woods, and lodged them in his house. Also Evidence was given, that one coming to Bellamy's house to seek for the traitors, telling him they conspired the queen's death, he denied he knew whom they were; whereas at the same time he had them in his house. Bellamy spake very little for himself, only he seemed to be a very clownish, blunt, wilful and obstinate papist.

Then this other Jury went up to a house to agree upon their Verdict, and by that time was the first Jury agreed, which came to the bar; and alderman Martin being their Foreman, spake for them, and said that they found all the five prisoners Guilty; and further, that they knew not what lands, tenements, goods or chattels the prisoners had, &c. So the Clerk of the Crown set down the Verdict, and discharged the Inquest of that service.

Forthwith was the other Inquest agreed of their Verdict, and found Gage and Bellamy also Guilty of the Treasons they were indicted of.

Then Puckering, the Queen's Serjeant, craved Judgment of Death against the Prisoners.

Sandes. Then said Sandes, the Clerk of the Crown: Edward Abington, thou hast been indicted of High Treason, and thereupon arraigned, and hast pleaded not Guilty, thy country hath found thee Guilty; what hast thou to say for thyself, wherefore Judgment and Execution of Death should not be given against thee?

Abington. My good lords, sithence I have been tried by the law, and am found Guilty of offence against the law, I am contented to abide the punishment due unto my guilt. The Inquest I cannot accuse, forasmuch as they thought in their consciences the Evidence sufficient.

ficient to condemn me; howbeit, that brainless youth Babington, whose proud stomach and ambitious mind incensing him to commit most abominable Treasons, hath been the cause to shed the blood of others guiltless in his actions. But I cry not vengeance against him, for I am contented to die, being condemned to die. Only this one petition to you, my good lords, I make: I have one sister, whose preferment also hath miscarried; wherefore if it might please her majesty, with the revenues of my lands in some sort to provide for her: If I live, I will endeavour to be thankful; and if I die, I will pray for her.

Then the Clerk of the Crown demanded the like of Tilney; who said,

Tilney. And I, my good lords, am able to say nothing in deferring of my Judgment. This humble suit must I make to your honours; I owe in London about 2 or 300*l.* and I beseech your honours to procure my friends to pay it for discharge of my conscience.

Then the Clerk of the Crown demanded the like of Jones; who said,

Jones. I beseech your honours to be a means to her majesty for mercy, for I desiring to be counted a faithful friend, am now condemned for a false traitor. The love of Thomas Salisbury hath made me hate myself, but God knows how far I was from intending any Treason. But if mercy be not to be had, I beseech your honours this; I owe some sums of money, but not very much, and I have more owing me: I beseech that my debts may be paid with that which is owing me. Moreover, my good lords, the lands I have, which I had by descent from my father, at the marriage of a gentlewoman which is now my wife, were intailed unto me, and the heirs male of my body; I beseech you some consideration may be had of my posterity.

Hatton. Jones, did not you tell me that your lands were fee-simple, for an argument of your innocency?

Jones. Yea, sir, so my lands are; but at the time of my marriage they were intailed as I tell you.

Then the Clerk of the Crown demanded the like of Travers; who said,

Travers. I never committed any treason, but for my religion, I will die in it; only I owe 4*l.* or such a matter, I beseech you it may be paid out of the profits of my lands.

Then the Clerk of the Crown demanded the like of Charnock; who said,

Charnock. I beseech your honour, Mr. Vice Chamberlain, to get her majesty to pardon me.

Hatton. Charnock, thy offence is too high for me to be an obtainer of thy pardon, but I am sorry for thee; if thou hadst applied thyself the best way, thou mightest have done thy country good service.

Charnock. I beseech you then, that six angels, which such a one hath of mine, may be delivered unto my brother to pay my debts.

Hatton. How much is thy debts?

Charnock. The same six angels would discharge it.

Hatton. Then I promise thee it shall be paid.

Then the Clerk of the Crown demanded the like of the rest, who answered little: whereupon they all received Judgment of Death, according to their demerits.

On the 20th of the same month, John Ballard, Anthony Babington, John Savage, Robert Barnewell, Chidiock Titchbourne, Charles Tilney and Edward Abington, were drawn on hurdles from the Tower to their Execution to St. Giles's Fields, being the place where they used to meet; where was erected a scaffold, and thereupon a gallows.

John Ballard the priest, the principal conspirator, confessed that he was guilty of those things for which he was condemned, but protested they were never enterprised by him upon any hope of preferment, but only, as he said, for the advancement of true Religion. He craved pardon and forgiveness of all persons, to whom his doings had been any scandal, and so made an end; making his prayers to himself in Latin, not asking her majesty forgiveness, otherwise than 'if he had offended.'

Anthony Babington also confessed, that he was come to die, as he had deserved; howbeit he (as Ballard before) protested that he was not led into those actions upon hope of preferment, or for any temporal respect; nor had ever attempted them, but that he was persuaded by reasons alledged to this effect, That it was a deed lawful and meritorious. He craved forgiveness of all whom he had any way offended; he would gladly also have been resolved whether his lands should have been confiscate to her majesty, or whether they should descend to his brother; but howsoever, his request was to the lords, and others the commissioners there present, that consideration might be had of one whose money he had received for lands, which he had passed no Fine for, for which the conveyance was void in law. He requested also, that consideration might be had of a certain servant of his, whom he had sent for certain merchandize into the East Countries, who by his means was greatly impoverished. For his wife, he said, she had good friends, to whose consideration he would leave her: And thus he finished, asking her majesty forgiveness, and making his prayers in Latin.

John Savage confessed his guilt, and said (as the other two before) that he did attempt it, for that in conscience he thought it a deed meritorious, and a common good to the weal public, and for no private preferment.

Robert Barnewell confessed that he was made acquainted with their drifts, but denied that ever he consented, or could be in conscience persuaded that it was a deed lawful. And being urged that he came to the court to spy opportunities for the achieving of their purposes, and that being there, her majesty observing his prying looks, acquainted before with their intents, she prayed God that all were well: To this he answered, That it was not unknown to divers of the council, that he had

matters which he solicited, which was the cause of his being there at that time; but I confess, said he, at my return, Babington asked me what news; to whom I told, that her majesty had been abroad that day, with all the circumstances that I saw there; and if I have offended her majesty, I crave forgiveness; and assuredly, if the sacrifice of my body might establish her majesty in the true religion, I would most willingly offer it up. Then he prayed to himself in Latin.

Chidiock Tichbourne began to speak as followeth, viz. Countrymen and my dear friends, you expect I should speak something; I am a bad orator, and my Text is worse: It were in vain to enter into the discourse of the whole matter for which I am brought hither, for that it hath been revealed heretofore, and is well known to the most of this company: Let me be a warning to all young gentlemen, especially *Generosis adolescentulis.* I had a friend, and a dear friend, of whom I made no small account, whose friendship hath brought me to this: he told me the whole matter, I cannot deny, as they had laid it down to be done; but I always thought it impious, and denyed to be a dealer in it; but the regard of my friend caused me to be a man in whom the old proverb was verified, 'I was silent, and so consented.' Before this thing chanced, we lived together in most flourishing estate: Of whom went report in the Strand, Fleet-street, and elsewhere about London, but of Babington and Titchbourne? No threshold was of force to brave our entry. Thus we lived, and wanted nothing we could wish for: and God knows, what less in my head than matters of State? Now give me leave to declare the miseries I sustained after I was acquainted with the action, wherein I may justly compare my estate to that of Adam's, who could not abstain 'one thing forbidden,' to enjoy all other things the world could afford; the terror of conscience awaited me. After I considered the dangers whereinto I was fallen, I went to sir John Peters in Essex, and appointed my horses should meet me at London, intending to go down into the country. I came to London, and there heard that all was bewrayed; whereupon, like Adam, we fled into the woods to hide ourselves, and there were apprehended. My dear countrymen, my sorrows may be your joy, yet mix your smiles with tears, and pity my case; I am descended from an house, from 200 years before the Conquest, never stained till this my misfortune. I have a wife and one child; my wife Agnes, my dear wife, and there is my grief, and six sisters left on my hand: my poor servants, I know, their master being taken, were dispersed, for all which I do most heartily grieve. I expected some favour, though I deserved nothing less, that the remainder of my years might in some sort have recompensed my former guilt: which seeing I have missed, let me now meditate upon the joys I hope to enjoy.—This done, he prayed first in Latin, and then in English, asking her majesty and all the world, heartily, forgiveness, and that he hoped stedfastly, now at this his last hour, his faith would not fail.

Charles Tilney said, I am a catholic, and believe in Jesus Christ, and by his Passion I hope to be saved; and I confess I can do nothing without him, which opinion all catholics firmly hold: and whereas they are thought to hold the contrary, they are in that, as in all other things, greatly abused. To Dr. White, seeming to school him in points of religion, differing from those which he held, he spoke in anger, I came hither to die, Doctor, and not to argue. He prayed in Latin for himself, and after he prayed for queen Elizabeth, that she might live long; and warned all young gentlemen, of what degree or calling soever, to take warning by him.

Edward Abington said, I come hither to die, holding all points firmly that the catholic church doth; and for the matters whereof I am condemned, I confess all, saving the death of her majesty, to the which I never consented. He feared, as he said, great bloodshed in England before it were long. Sheriff Ratcliff said, Abington, Seest thou all these people, whose blood shall be demanded at thy hands, if thou, dying, conceal that which may turn to their peril; therefore tell why, or which way such blood should be shed? He said, All that I know, you have of record; and at last, said he, this country is hated of all countries for her iniquity, and God loves it not. And being urged by Dr. White to be of a lively faith; he answered, he believed stedfastly in the catholic faith. The Doctor asked him, how he meant, for I fear me, said he, thou deceivest thyself: he answered, That faith and religion which is holden almost in all Christendom, except here in England. Thus done, he willed them not to trouble him any longer with any more questions, but made his prayers to himself in Latin.

Ballard was first executed. He was cut down and bowelled with great cruelty while he was alive. Babington beheld Ballard's Execution without being in the least daunted: whilst the rest turned away their faces, and fell to prayers upon their knees. Babington being taken down from the gallows alive too, and ready to be cut up, he cried aloud several times in Latin, *Parce mihi, Domine Jesu!* Spare me, O Lord Jesus! Savage broke the rope, and fell down from the gallows, and was presently seized on by the executioner, his privities cut off, and his bowels taken out while he was alive. Barnwell, Titchbourne, Tilney and Abington were executed with equal cruelty.

On the next day Thomas Salisbury, Henry Donn, Edward Jones, John Charnock, John Travers, Robert Gage, Jerome Bellamy, were drawn to the place of Execution.

Thomas Salisbury said, Sithence it hath pleased God to appoint this place for my end, I thank his infinite Goodness for the same; I confess that I have deserved Death, and that I have offended her majesty, whom to forgive

me I heartily beseech, with all others whom I have any way offended. I desire all true catholics to pray for me; and I desire them, as I beseech God they may, to endure with patience whatsoever shall be laid upon them, and never to enter into any action of violence for remedy. Then he said his prayers, looking earnestly with his eyes to heaven, and prayed in Latin a long while: When he had thus done, he cried in English and Latin, Father, forgive me!

Henry Donn said, Do the people expect I should say any thing? I was acquainted, I confess, with their practices, but I never did intend to be a dealer in them. Babington oftentimes requested me to be one, and said, for that he loved me well, he would bestow me in one of the best actions; which should have been the delivery of the queen of Scots, to which I could not for a long time agree; at length, by many urgent persuasions he won me, so as I told him I would do my best. And being asked, as he was ascending the ladder, whether he thought it lawful to kill her majesty? He answered, No, no; for I take her to be my lawful and natural prince. And (as Salisbury) he desired all catholics to endure with patience, and never to attempt any thing against her majesty, under whose government he had lived quietly, until within these ten weeks, that those things were first imparted unto him: and whereas he was indebted to divers, and divers in like manner to him, he forgave all that was owing to him, and craved forgiveness of what he owed. He desired God to forgive Babington, the only cause of his fall and death; and was right sorry for a gentlewoman, one Mrs. Bellamy, at whose house he, with the rest, were relieved after they fled; he prayed God, whom he had chiefly offended, next her majesty, and last of all the people, forgiveness; saying, No soul was more sorrowful than his, nor none more sinful; and prayed for her majesty, wishing she might live in all happiness, and after this life be eternized in everlasting bliss; and so he prayed in Latin and English.

Edward Jones said, I come hither to die, but how rightfully God knows; for thus stands my case: At Trinity term last, Mr. Salisbury made me acquainted with their purposes; and for that he knew me to be well horsed, he thought me as fit as any to attempt the delivery of the queen of Scots, and requested me to be one; which I utterly denied, altogether misliking their practices, and persuading him, by what means I might, from it; and told him, this was the haughty and ambitious mind of Anthony Babington, which would be the destruction of himself and friends, whose company I wished him to refrain; and for that I would have him out of his company, I have divers times lent him money, and pawned my chain and jewels to buy him necessaries to go into the country. And whereas I had made conveyance of my lands to divers uses, with some annuities, and placed my wife with my friends, and given over housekeeping, and by reason of my conscience thought to live at ease; I called my servants together again, and began to keep house more freshly than ever I did, only because I was weary to see Salisbury's straggling, and for that I was willing to keep him about home; and never consented to any of his Treasons, but always advised him to beware; for though I was, and am a Catholic, yet I took it to be a most wicked act to offer violence to my natural prince. I did intend to go into Ireland, with Mr. Edward Fitton, and there to have served: until at length, very shortly after this, my determinate mind being not settled, I received a note of their names, amongst whom was the name of my dear friend: then I began to fear what hath happened; I heard that night he would be at my house; and indeed he came thither about twelve o'clock, and the door being opened him, as he was very familiar with me, he came running up to my bed-side with a candle in his hand, which he took from one of my men, saluting me with these words, Ned Jones, how dost thou? Ah! Tom, said I, Art thou one of them that should have killed the Queen? Yea, said he, what meanest thou by that? See, and read this, said I, giving him the Note wherein his name was; he seeing, turned about and said, there be many catholics in England as far in this act as we are; the more the worse, quoth I. Here is the sum of my fault, in which I know I have offended her majesty; first, because I did conceal it at London, and lastly, because I did not apprehend my dear friend Tom, being in my house; for which fault I am heartily sorry, and do ask her majesty forgiveness. There is one thing wherein I am to move you, concerning my Debts: I have set them down so near as I could what they are: good sir Francis Knowles, I shall intreat you to be a mean to her majesty, that there may be some care had of my creditors and debtors. The debts which I owe do amount, in the whole, to 980*l.* The debts which are owing me are 1600*l.* But who shall look into my compting-house shall find many of 100*l.* 200*l.* or 300*l.* whereof all is discharged, except some of 50*l.* and some 40*l.* and such like, without any defeasance, and lie only in my credit; so that unless some man of conscience enter into the action of my compting-house, it is like to be the utter undoing of a number; but God knows my mind, and I hope it shall not be laid to my charge; and so concluded with his prayers, first in Latin, and then in English, that the people might better understand what he prayed.

John Charnock and John Travers having their minds wholly fixt on prayer, recommended themselves to God and the Saints. Gage extolled the queen's great grace and bounty to his father, and detested his own perfidious ingratitude towards his princess. And Jerome Bellamy, with confusion and deep silence, suffered last.

The Queen being informed of the severity

used in the Executions the day before, and detesting such cruelty, gave express orders that these should be used more favourably; and accordingly they were permitted to hang till they were quite dead, before they were cut down and bowelled.

64. Proceedings against Mary Queen of Scots: 28 Eliz. A. D. 1586, for being concerned in a Conspiracy against Queen Elizabeth; with some things previous thereto, and necessary to introduce and explain those Proceedings. [Cambden's Elizabeth. 1 Hardwicke State Papers, 224. 1 Burghley Papers, 558. 1 Cobb. Parl. Hist. 779, 835.]

THE subjects of England finding the kingdom in danger of an invasion from abroad, and the life of the queen attempted by various plots at home, carried on by the papists, in prospect of a popish successor; voluntarily entered into an Association for the queen's safety, solemnly engaging and obliging themselves to each other, to revenge her death, on those who should be the occasion of it: which Association was as follows.

"Forasmuch as Almighty God hath ordained kings, queens, and princes to have dominion and rule over all their subjects, and to preserve them in the possession and observation of the true Christian religion, according to his holy word and commandment; and in like sort, that all subjects should love, fear, and obey their sovereign princes, being kings or queens, to the utmost of their power; at all times to withstand, pursue, and suppress all manner of persons, that shall by any means intend and attempt any thing dangerous or hurtful to the honour, state, or persons of their sovereigns.—Therefore we whose names are or shall be subscribed to this writing, being natural-born subjects of this realm of England; and having so gracious a lady, our sovereign Elizabeth by the ordinance of God, our most rightful queen, reigning over us these many years with great felicity, to our inestimable comfort: and finding lately by divers depositions, confessions, and sundry advertisements out of foreign parts, from credible persons well known to her majesty's council, and to divers others, that for the furtherance and advancement of some pretended title to the crown, it hath been manifested, that the life of our gracious sovereign queen Elizabeth hath been most dangerously designed against, to the peril of her person, if Almighty God, her perpetual defender, of his mercy had not revealed and withstood the same; by whose life, we, and all other her majesty's true and loyal subjects, do enjoy all inestimable benefit of peace in this land: do for these reasons and causes before alledged, not only acknowledge ourselves most justly bound with our lives and goods for her defence, and in her safety to prosecute, suppress and withstand all such intenders, and all other her enemies, of what nation, condition or degree soever they shall be, or by what counsel or title they shall pretend to be her enemies, or to attempt any harm upon her person; but do further think it our bounden duties, for the great benefit of peace, wealth, and godly government, we have more plentifully received these many years under her majesty's government, than any of our forefathers have done in any longer time of any of her progenitors, kings of this realm; to declare, and by this writing make manifest our bounden duties to our sovereign lady for her safety.—And to that end, we and every of us, first calling to witness the name of Almighty God, do voluntarily and most willingly bind ourselves, every one of us to the other, jointly and severally in the band of one firm and loyal society; and do hereby vow and promise by the majesty of Almighty God, that with our whole powers, bodies, lives and goods, and with our children and servants, we and every of us will faithfully serve, and humbly obey our said sovereign lady queen Elizabeth, against all states, dignities and earthly powers whatsoever; and will as well with our joint and particular forces during our lives withstand, pursue and offend, as well by force of arms, as by all other means of revenge, all manner of persons, of whatsoever state they shall be, and their abetters, that shall attempt any act, or counsel or consent to any thing that shall tend to the harm of her majesty's royal person; and will never desist from all manner of forcible pursuit against such persons, to the utter extermination of them, their counsellors, aiders and abettors.—And if any such wicked attempt against her most royal person shall be taken in hand, or procured, whereby any that have, may or shall pretend title to come to this crown by the untimely death of her majesty so wickedly procured (which God of his mercy forbid!) that the same may be avenged, we do not only bind ourselves both jointly and severally never to allow, accept or favour any such pretended successor, by whom or for whom any such detestable act shall be attempted or committed, as unworthy of all government in any Christian realm or civil state;—But do also further vow and protest, as we are most bound, and that in the presence of the eternal and everlasting God, to prosecute such person or persons to death, with our joint and particular forces, and to act the utmost revenge upon them, that by any means we or any of us can devise and do, or

cause to be devised and done for their utter overthrow and extirpation.—And to the better corroboration of this our Loyal Band and Association, we do also testify by this writing, that we do confirm the contents hereof by our oaths corporally taken upon the holy evangelists, with this express condition, That no one of us shall for any respect of person or causes, or for fear or reward, separate ourselves from this association, or fail in the prosecution thereof during our lives, upon pain of being by the rest of us prosecuted and suppprest as perjured persons, and as public enemies to God, our queen, and to our native country; to which punishment and pains we do voluntarily submit ourselves, and every of us, without benefit of any colour and pretence.—In witness of all which premises to be inviolably kept, we do to this writing put our hands and seals; and shall be most ready to accept and admit any others hereafter to this Society and Association."

This Association, although entered into voluntarily by persons in their private capacities, was confirmed and established by a statute made 27 Elizabeth, 1585, entitled, 'An Act for the Security of the Queen's Royal Person, and the continuance of the realm in peace;' and is as follows:

"Forasmuch as the good felicity and comfort of the whole estate of this realm consisteth only (next under God) in the surety and preservation of the queen's most excellent majesty; and for that it hath manifestly appeared, that sundry wicked plots and means have of late been devised and laid, as well in foreign parts beyond the seas, as also within this realm, to the great endangering of her highness's most royal person, and to the utter ruin of the whole commonweal, if by God's merciful providence the same had not been revealed: therefore for the preventing of such great perils as might hereafter otherwise grow by the like detestable and devilish practices, at the humble suit and earnest petition of the lords spiritual and temporal, and the commons in this parliament assembled, and by the authority of the same parliament; be it enacted and ordained, if at any time after the end of this present session of parliament, any open invasion or rebellion shall be had or made, into or within any of her majesty's realms or dominions, or any act attempted, tending to the hurt of her majesty's most royal person, by or for any person that shall or may pretend title to the crown of this realm after her majesty's decease; or if any thing be compassed or imagined, tending to the hurt of her majesty's royal person, by any person, or with the privity of any person that shall or may pretend title to the crown of this realm: that then by her majesty's commission under her great seal, the lords and other of her highness's privy-council, and such other lords of parliament to be named by her majesty, as with the said privy council shall come up to the number of four and twenty at the least, having with them for their assistance in that behalf such of the judges of the Courts of Record at Westminster as her highness shall for that purpose assign and appoint, or the more part of the same council, lords and judges, shall by virtue of this act have authority to examine all and every the offences aforesaid, and all circumstances thereof, and thereupon to give sentence or judgment, as upon good proof of the matter shall appear unto them. And that after such sentence or judgment given, and declaration thereof made and published by her majesty's proclamation under the great seal of England, all persons against whom such sentence or judgment shall be so given and published, shall be excluded and disabled for ever to have or claim, or to pretend to have or claim the crown of this realm, or of any her majesty's dominions; any former law or statute whatsoever to the contrary in any wise notwithstanding. And that thereupon all her highness's subjects shall and may lawfully by virtue of this act, and her majesty's direction in that behalf, by all forcible and possible means pursue to death every such wicked person, by whom or by whose means, assent, or privity, any such invasion or rebellion shall be in form aforesaid denounced to have been made, or such wicked act attempted, or other thing compassed or imagined against her majesty's person, and all their aiders, comforters and abettors.—And if any such detestable act shall be executed against her highness's most royal person, whereby her majesty's life shall be taken away (which God of his great mercy forbid); that then every such person, by or for whom any such act shall be executed, and their issues being any wise assenting or privy to the same, shall by virtue of this act be excluded and disabled for ever to have or claim, or pretend to have or claim the said crown of this realm, or any other her highness's dominions, any former law or statute to the contrary in any wise notwithstanding. And that all the subjects of this realm, and all other her majesty's dominions, shall and may lawfully, by virtue of this act, by all forcible and possible means pursue to the death every such wicked person, by whom or by whose means any such detestable fact shall be in form hereafter expressed denounced to have been committed, and also their issues being any wise assenting or privy to the same, and all their aiders, comforters and abettors in that behalf.—And to the end that the intention of this law may be effectually executed, if her majesty's life be taken away by any violent or unnatural means (which God defend): be it further enacted by the authority aforesaid, That the lords and others, which shall be of her majesty's privy-council at the time of such her decease, or the more part of the same council, joining unto them for their assistance five other earls, and seven other lords of parliament at the least (foreseeing, that none of the said earls, lords or council be known to be persons that may make any title to the crown), those persons which were chief justices of either bench, master of

the rolls, and chief baron of the exchequer at the time of her majesty's death, or in default of the said justices, master of the rolls, and chief baron, some other of those which were justices of some of the courts of records at Westminster at the time of her highness's decease, to supply their places; or any four and twenty, or more of them, whereof eight to be lords of the parliament, not being of the privy-council, shall to the uttermost of their power and skill examine the cause and manner of such her majesty's death, and what persons shall be any way guilty thereof, and all circumstances concerning the same, according to the true meaning of this act; and thereupon shall by open proclamation publish the same, and without any delay, by all forcible and possible means, prosecute to death all their aiders and abettors; and for the doing thereof, and the withstanding and suppressing all such power and force, as shall be any way levied or stirred in disturbance of the due execution of this law, they shall by virtue of this act have power and authority, not only to raise and use such forces as shall in that behalf be needful and convenient, but also to use all other means and things possible and necessary for the maintenance of the same forces, and prosecution of the said offenders. And if any such power and force shall be levied and stirred in disturbance of the due execution of this law, by any person that shall or may pretend any title to the crown of this realm, whereby this law may not in all things be fully executed, according to the effect and true meaning of the same; that then every such person shall by virtue of this act be therefore excluded and disabled for ever to have, or claim, or pretend to have or claim the crown of this realm, or of any other her highness's dominions, any former law or statute whatsoever to the contrary notwithstanding.—And be it further enacted by the authority aforesaid, that all and every the subjects of all her majesty's realms and dominions, shall to the uttermost of their power aid and assist the said council, and all other the lords and other persons, to be adjoined to them for assistance, as is aforesaid, in all things to be done and executed according to the effect and intention of this law; and that no subjects of this realm shall in any wise be impeached in body, land or goods, at any time hereafter, for any thing to be done or executed according to the tenor hereof, any law or statute heretofore made to the contrary in any wise notwithstanding.—And whereas of late many of her majesty's good and faithful subjects have in the name of God, and with the testimonies of good consciences, by one uniform manner of writing under their hands and seals, and by their several oaths voluntarily taken, joined themselves together in one bond and Association, to withstand and revenge to the uttermost all such malicious actions and attempts against her majesty's most royal person: now for the full explaining of all such ambiguities and questions, as otherwise might happen to grow by reason of any sinister or wrong construction or interpretation to be made or inferred of or upon the words or meaning thereof; be it declared and enacted by the authority of this present parliament, that the same Association, and every article and sentence therein contained, as well concerning the disallowing, excluding, or disabling any person that may or shall pretend any title to come to the crown of this realm, as also for the pursuing, and taking revenge of any such wicked act or attempt as is mentioned in the same Association, shall and ought to be in all things expounded and adjudged according to the true intent and meaning of this act, and not otherwise, or against any other person or persons."

The following year, 1586, Babington and others being convicted of a Conspiracy to assassinate queen Elizabeth; and the queen of Scots being charged with countenancing and encouraging that Conspiracy, a Commission was issued out, founded upon the abovesaid Statute, for the Examination and Trial of the said queen of Scots, to the effect following:

"Elizabeth by the grace of God, of England, France, and Ireland queen, defender of the faith, &c. To the most reverend father in Christ, John archbishop of Canterbury, primate and metropolitan of all England, and one of our privy-council; and to our trusty and well-beloved sir Thomas Bromley, kt. chancellor of England, and one of our privy-council; and also to our trusty and well-beloved Wm. lord Burghley, lord treasurer of England, another of our privy-council; and also to our most dear cousin William lord marquis of Winchester, one of the lords of the parliament; to our most dear cousin Edward earl of Oxford, great chamberlain of England, another of the lords of the parliament: and also to our most dear cousin George earl of Shrewsbury, earl marshal of England, another of our privy-council; and to our most dear cousin Henry earl of Kent, another of the lords of the parliament: and also to our most dear cousin Henry earl of Derby, another of our privy-council; and to our most dear cousin William earl of Worcester, another of the lords of the parliament; and also to our most dear cousin Edward earl of Rutland, another of the lords of the parliament; and to our most dear cousin Ambrose earl of Warwick, master of our ordnance, another of our privy-council; and to our most dear cousin Henry earl of Pembroke, another of the lords of the parliament; and also to our most dear cousin Robert earl of Leicester, master of our horse, another of our privy-council; and to our most dear cousin Henry earl of Lincoln, another of the lords of the parliament; and also to our most dear cousin Anthony viscount Montague, another of the lords of the parliament: and to our trusty and well-beloved Charles lord Howard, our great admiral of England, another of our privy-council; and to our trusty and well-beloved Henry lord of Hunsdon, our lord chamberlain, another of our privy-council; and also to our

trusty and well-beloved Henry lord Abergavenny, another of the lords of the parliament; and to our trusty and well-beloved Edward lord Zouch, another of the lords of the parliament; and also to our trusty and well-beloved Edward lord Morley, another of the lords of the parliament; and to our trusty and well-beloved William lord Cobham, lord warden of our cinque-ports, another of our privy-council; and also to our trusty and well-beloved Edward lord Stafford, another of the lords of the parliament; and also to our trusty and well-beloved Arthur lord Grey of Wilton, another of the lords of the parliament; and also to our trusty and well-beloved John lord Lumley, another of the lords of the parliament; and also to our trusty and well beloved John lord Sturton, another of the lords of the parliament; and to our trusty and well-beloved William lord Sandes, another of the lords of the parliament; and also to our trusty and well-beloved Henry lord Wentworth, another of the lords of the parliament; to our trusty and well-beloved Lewis lord Mordant, another of the lords of the parliament; and to our trusty and well-beloved John lord St. John of Bletsho, another of the lords of the parliament; and also to our trusty and well-beloved Thomas lord Buckhurst, another of our privy council; and to our trusty and well-beloved Henry lord Compton, another of the lords of the parliament; and also to our trusty and well-beloved Henry lord Cheney, another of the lords of the parliament; to our trusty and beloved sir Francis Knolles, kt. treasurer of our houshold, another of our privy-council; and also to our trusty and well-beloved sir James Crofts, kt. Comptroller of our said houshold, another of our privy council; and to our trusty and beloved sir Christopher Hatton, kt. our vice-chamberlain, another of our privy-council; and also to our trusty and beloved sir Francis Walsingham, kt. one of our principal secretaries, another of our privy-council; and also to our trusty and beloved William Davison, esq. another of our principal secretaries, and of our privy-council; and to our trusty and beloved sir Ralph Sadler, kt. chancellor of our dutchy of Lancaster, another of our privy-council; and also to our trusty and beloved sir Walter Mildmay, kt. chancellor of our exchequer, another of our privy-council; and to our trusty and beloved sir Amias Powlet, kt. captain of our isle of Jersey, another of our privy-council; and to our trusty and beloved John Wolley, esq. our secretary for the Latin tongue, another of our privy-council; and also to our trusty and beloved sir Christopher Wray, kt. chief justicer assigned for the pleas to be holden before us; and to our trusty and beloved sir Edmund Anderson, kt. our chief justicer of the bench; sir Roger Manwood, kt. our chief baron of our exchequer: sir Thomas Gawdy, kt. one of our justicers assigned for the pleas to be holden before us; and William Periam, one of our justicers of the bench, greeting, &c.—"Whereas since the end of the session of parliament, namely, since the first day of June, in the 27th year of our reign, divers matters have been compassed and imagined, tending to the hurt of our royal person, as well by Mary daughter and heir of James 5th king of Scots, and commonly called queen of Scots, and dowager of France, pretending title to the crown of this realm of England; as by divers other persons, *cum scientia*, in English with the privity of the same Mary, as we are given to understand; and whereas we do intend and determine, that the act aforesaid be in all and every part thereof duly and effectually executed according to the tenor of the same, and that all offences abovesaid, in the act abovesaid mentioned, as aforesaid, and the circumstances of the same, be examined, and sentence or judgment thereupon given, according to the tenor and effect of the said act: to you, and the greater part of you we do give full and absolute power, faculty and authority, according to the tenor of the said act, to examine all and singular matters compassed and imagined, tending to the hurt of our royal person, as well by the aforesaid Mary, as by any other person or persons whatsoever, *cum scientia*, in English, with the privity, of the same Mary, and all circumstances of the same, and all other offences abovesaid in the act aforesaid, as aforesaid, mentioned whatsoever, and all circumstances of the same and of every of them: and thereupon according to the tenor of the Act aforesaid, to give Sentence or Judgment, as upon good proof matter shall appear unto you. And therefore we do command you, that you do at certain days and places, which you, or the greater part of you, shall thereunto fore-appoint, diligently proceed upon the premises in form aforesaid, &c."

Proceedings at Fotheringay-Castle.

The most part of these Commissioners came the 11th of Oct. to Fotheringay-castle in the county of Northampton, seated upon the bank of the river Nen, where the queen of Scots was then kept. The next day the commissioners sent to her sir Walter Mildmay, Powlet, and Edward Barker, a publick notary: who delivered into her hands queen Elizabeth's Letter; which when she had read, she, with a countenance composed to royal dignity, and with a mind untroubled, said, It grieveth me that the queen, my most dear sister, is misinformed of me; and that I, having been so many years straitly kept in prison, and grown lame of my limbs, have lien neglected, after I have offered so many reasonable conditions for my liberty. Though I have thoroughly forewarned her of many dangers, yet hath no credit been given unto me, but I have been always contemned, though most nearly allied unto her in blood. When the Association was entered in, and the Act of Parliament thereupon made, I foresaw that whatsoever danger should happen either from foreign princes abroad, or from ill-disposed people at home, or for religion's sake, I must bear the whole blame, having many mortal enemies in the court. Certainly I might take

it hardly, and not without cause, that a Confederacy hath been made with my son without my knowledge: but such matters I omit. As for this Letter, it seemeth strange to me, that the queen should command me as a subject, to appear personally in judgment. I am an absolute queen, and will do nothing which may prejudice either mine own royal majesty, or other princes of my place and rank, or my son. My mind is not yet dejected, neither will I sink under my calamity. I refer myself to those things, which I have protested before Bromley, now chancellor, and the lord La-Ware. The laws and statutes of England are to me most unknown; I am destitute of counsellors, and who shall be my peers I am utterly ignorant. My Papers and Notes are taken from me, and no man dareth step forth to be my advocate. I am clear from all crime against the queen, I have excited no man against her, and I am not to be charged but by mine own word or writing, which cannot be produced against me. Yet can I not deny but I have commended myself and my Cause to foreign princes."

The next day there returned unto her in the name of the Commissioners, Powlet and Barker, who shewed unto her this Answer drawn in Writing, and asked her, whether she would persist in the same. When she had heard it distinctly read, she commended it as rightly and truly conceived, and said, she would persist therein. But this, said she, I have forgotten, which I would have to be added thereunto: Whereas the queen hath written, that I am subject to the laws of England, and to be judged by them, because I have lived under the protection of them; I answer, that I came into England to crave aid, and ever since have been detained in Prison, and could not enjoy the protection or benefit of the laws of England; nay, I could never yet understand from any man, what manner of laws those were.

In the afternoon came unto her certain selected persons from amongst the Commissioners, with men learned in the civil and canon-law. But the Lord Chancellor and the Lord Treasurer declared their authority by patent, and shewed that neither her imprisonment, nor her prerogative of royal majesty could exempt her from answering in this kingdom; with fair words advising her to hear what matters were to be objected against her: otherwise they threatened, that by authority of law, they both could and would proceed against her, though she were absent. She answered, That she was no subject, and rather would she die a thousand deaths, than acknowledge herself a subject, considering, that by such an acknowledgement, she should both prejudice the height of regal majesty, and withal confess herself to be bound by all the laws of England, even in matter of religion: nevertheless she was ready to answer to all things in a free and full parliament, for that she knew not whether this meeting and assembly were appointed against her, being already condemned by fore-judgings, to give some shew and colour of a just and legal proceeding. She warned them therefore to look to their consciences, and to remember, that the theatre of the whole world is much wider than the kingdom of England. She began then to complain of injuries done unto her: and the Lord Treasurer interrupting her, began to reckon up queen Elizabeth's kindnesses towards her, namely, that she had punished some, which impugned the claim she laid to England, and had been a means to keep her from being condemned by the estates of the realm, for the marriage sought with the duke of Norfolk, for the rebellion in the north, and for other matters. All which when she seemed little to esteem, they returned back.

Within few hours after, they delivered unto her, by the hands of Powlet and the Solicitor, the chief points of their Commission, and the names of the Commissioners, that she might see, that they were to proceed according to equity and right, and not by any cunning point of law, and extraordinary course. She took no Exceptions against the Commissioners, but most sharply excepted against the late law, upon which the authority of their commission wholly depended; as that it was unjust, devised of purpose against her, that it was without example, and such whereunto she would never subject herself. She asked, by what law they would proceed: If by the civil or canon-law, then said she, interpreters are to be fetched from Pavia, or Poictiers, and other foreign universities; for in England none are to be found that are meet. She added also, That it was manifest, by plain words in the queen's Letters, That she was already forejudged to be guilty of the crime, though unheard; and therefore there was no reason why she should appear before them: and she required to be satisfied touching some scruples in the said Letters, which she had for herself noted confusedly, and by snatches, severally by themselves, but would not deliver them written out; for it stood not, said she, with her royal dignity, to play the scrivener.

Touching this matter, the said selected Commissioners went unto her again, to whom she signified, that she did not well understand what those words meant, 'seeing she is under the queen's protection.' The Lord Chancellor answered, That this was plain to every one of understanding, yet was it not for subjects to interpret what the queen's meaning was, neither were they made commissioners for that end. Then she required to have her protestation shewed and allowed, which she had formerly made. It was answered, that it never had been, nor now was to be allowed, for that it was prejudicial to the crown of England. She asked, By what authority they would proceed? It was answered, by authority of their Commission, and by the common law of England.

But, said she, Ye make laws at your pleasure, whereunto I have no reason to submit myself, considering that the English in times past refused to submit themselves to the Law

Salique of France: and if they would proceed by the common law of England, they should produce precedents and cases, forasmuch as that law consisteth much of cases and custom: and if by the canon law, none else ought to interpret the same, but the makers thereof. It was answered, That they would proceed neither by the Civil nor Canon Law, but by the Common Law of England: that it might nevertheless be proved by the civil and canon law, that she ought to appear before them, if she would not refuse to hear it. And indeed she refused not to hear it, but, as she said, by way of *Interlocution*, not *Judicially*.

From hence she fell into other speeches, That she had intended nothing to the destruction of the queen; that she had been incensed with injuries and indignities; that she should be a stone of offence to others, if she were so unworthily handled: that by Naw she had offered her best means for revoking the bishop of Rome's Bull; that she would have defended her innocency by letter, but it was not allowed her; and finally, that all the offices of kindness, which she had tendered these twenty years, were rejected. Thus while she wandered far in these digressions, they called her back again, and prayed her to speak plainly, whether she would answer before the commissioners. She replied, That the authority of their delegation was founded upon a late law made to intrap her; that she could not away with the queen's laws, which she had good reason to suspect; that she was still full of good courage, and would not offend against her progenitors, the kings of Scots, by acknowledging herself a subject to the crown of England: for this were nothing else but to profess them openly to have been rebels and traitors. Yet she refused not to answer, so as she might not be reduced to the rank of a subject: But she had rather perish utterly than to answer as a criminal person.

Whereunto Hatton, Vice-Chamberlain to queen Elizabeth, answered: You are accused (but not condemned) to have conspired the Destruction of our lady and queen anointed. You say you are a queen: be it so. But in such a crime the royal dignity is not exempted from answering, neither by the Civil nor Canon Law, nor by the Law of nations, nor of nature. For if such kind of offences might be committed without punishment, all justice would stagger, yea, fall to the ground. If you be innocent, you wrong your reputation in avoiding a Trial. You protest yourself to be innocent, but queen Elizabeth thinketh otherwise, and that neither without grief and sorrow for the same. To examine therefore your innocency, she hath appointed for Commissioners most honourable, prudent and upright men, who are ready to hear you acccording to equity with favour, and will rejoice with all their hearts, if you shall clear yourself of this crime. Believe me, the queen herself will be much affected with joy, who affirmed unto me at my coming from her, that never any thing befel her more grievous, than that you were charged with such a crime. Wherefore lay aside the bootless privilege of royal dignity, which now can be of no use unto you, appear in judgment, and shew your innocency, lest by avoiding Trial, you draw upon yourself suspicion, and lay upon your reputation an eternal blot and aspersion.

I refuse not (said she) to answer in a full parliament before the estates of the realm lawfully assembled, so as I may be declared the next to the succession; yea, before the queen and council, so as my protestation may be admitted, and I may be acknowledged the next of kin to the queen. To the judgment of mine adversaries, amongst whom I know all defence of mine innocency will be barred, flatly, I will not submit myself.

The Lord Chancellor asked her, whether she would answer, if her Protestation were admitted? I will never (said she) submit myself to the late law mentioned in the Commission.

Hereupon the Lord Treasurer answered; We, notwithstanding, will proceed to-morrow in the Cause, though you be absent and continue contumax.

Search (said she) your consciences, look to your honour, God reward you and yours for your Judgment against me.

On the morrow, which was the 14th of the month, she sent for certain of the Commissioners, and prayed them, that her Protestation might be admitted and allowed. The Lord Treasurer asked her, Whether she would appear to her Trial, if her Protestation were only received and put in writing, without allowance. She yielded at length, yet with much ado, and with an ill-will, lest she should seem (as she said) to derogate from her predecessors or successors; but was very desirous to purge herself of the crime objected against her, being persuaded by Hatton's reasons, which she had weighed with advisement.

Soon after, the Commissioners which were present, assembled themselves, in the Presence-Chamber. At the upper end of the Chamber was placed a Chair of estate for the queen of England, under a cloth of estate. Over-against it, below and more remote, near the transom or beam that ran cross the room, stood a chair for the queen of Scots. At the walls on both sides, were placed benches, upon which sate, on the one side, the Lord Chancellor of England, Lord Treasurer of England, the earls of Oxford, Kent, Derby, Worcester, Rutland, Cumberland, Warwick, Pembroke, Lincoln, and the lord viscount Montacute; on the other side, the barons of Abergavenny, Zouch, Morley, Stafford, Grey, Lumley, Sturton, Sandes, Wentworth, Mordant, St. John of Bletsho, Compton, and Cheiney. Nigh unto these sate the knights of the Privy-Council, sir James a Croftes, sir Christopher Hatton, sir Francis Walsingham, sir Ralph Sadleir, sir Walter Mildmay, and sir Amias Powlet. Forward, before the earls, sate the two Chief Justices, and the Chief Baron of the Exchequer: and on the other side two barons, the other Ju-

tices, Dale and Ford, doctors of the Civil-Law; and at a little table in the midst sate Popham the queen's Attorney, Egerton the Solicitor, Gaudy the queen's Serjeant at Law, the Clerk of the Crown, and two Writers.

When she was come, and had settled herself in her seat, after silence proclaimed, Bromley Lord Chancellor turning to her, spake briefly to this effect: The most high and mighty queen Elizabeth, being not without great grief of mind advertised, that you have conspired the Destruction of her and of England, and the Subversion of Religion, hath, out of her office and duty, lest she might seem to have neglected God, herself and her people, and out of no malice at all, appointed these commissioners, to hear the matters which shall be objected unto you, and how you can clear yourself of them, and make known your innocency.

She rising up, said, That she came into England to crave aid, which had been promised her, and yet was she detained ever since in prison. She protested, that she was no subject of the queen's, but had been and was a free and absolute queen, and not to be constrained to appear before commissioners, or any other Judge whatsoever, for any cause whatsoever, save before God alone the highest Judge, lest she should prejudice her own royal majesty, the king of Scots her son, her successors, or other absolute princes. But, that she now appeared personally, to the end to refute the crimes objected against her. And hereof she prayed her own attendants to bear witness.

The Lord Chancellor, not acknowledging that any Aid had been promised her, answered, That this Protestation was in vain, for that whosoever (of what place and degree soever he were) should offend against the laws of England, in England, was subject unto the same laws, and by the late act might be examined and tried; the said Protestation therefore made in prejudice of the laws and queen of England, was not to be admitted. The Commissioners nevertheless commanded, that as well her Protestation, as the Lord Chancellor's Answer, should be recorded.

Then after the Commission was openly read, which was grounded upon the Act already often mentioned, she stoutly opposed her Protestation against the said Act, as enacted directly and purposely against her, and herein she appealed to their consciences.

When Answer was made by the Lord Treasurer, that every person in this kingdom was bound even by the latest laws, and that she ought not to speak against the laws: and that the Commissioners would judge, according to that law, what Protestations or Appellations soever she interposed, she said at length, that she was ready to hear and answer touching any fact whatsoever against the queen of England.

Gawdy now opened the law from point to point, affirming, that she had offended against the same; and hereupon he made an historical discourse of Babington's Conspiracy, and concluded, That she knew of it, approved it, assented unto it, promised her assistance, and shewed the way and means.

She answered with stout courage, That she knew not Babington, that she never received any Letters from him, nor wrote any to him; that she never plotted the destruction of the queen, and that to prove the same, her Subscription under her own hand was to be produced; that for her part she never so much as heard speak thereof; that she knew not Ballard, nor ever relieved him; but she understood from some, that the catholics in England took many things very hardly, and hereof she herself had advertised the queen by Letters, and besought her to take pity on them; that many also, which were to her utterly unknown, had offered her their help and assistance, yet had she excited no man to commit any offence; and being shut up in prison, she could neither know nor hinder what they attempted.

Hereupon it was urged out of Babington's Confession, that there had been intercourse by Letters betwixt her and Babington. She confessed that there had passed Conference by Letters betwixt her and many men, yet could it not thereby be gathered that she was privy to all their wicked counsels. She required that her own Subscription, under her hand, might be produced; and asked, what hurt it were, if she redemanded the Letters, which had been kept from her almost a whole year? Then were read the Copies of Letters between her and Babington, wherein the whole Conspiracy was set down.

The Scotish Queen's Letter to Anth. Babington.

'My very good friend, albeit it be long 'since you heard from me, not more than I 'have done from you, it is against my will; 'yet would I not you should think I have in 'the mean while, nor ever will be, unmindful 'of the effectual affection you have shewed 'heretofore towards all that concerneth me. 'I have understood, that upon the renewing of 'your intelligence, there were addressed unto 'you, both from France and Scotland, some 'packets for me; I pray you, if any be come 'to your hands, and be yet in place, to deliver 'them to the bearer hereof, who will safely 'convey them unto me; and I will pray to 'God for your preservation. Your assured 'good friend, Mary, *Regina*.' June the 28th, 'Chartley.'

Anth. Babington's Letter to the Scotish Queen.

'Most mighty, most excellent, my dread 'sovereign lady and queen, unto whom I owe 'all fidelity and obedience; may it please 'your gracious majesty to admit excuse of my 'long silence, and discontinuance from those 'dutiful offices, intercepted upon the remove 'of your royal person from the antient place of 'your abode, to the custody of a wicked puri-'tan, and meer Leicestrian, a mortal enemy 'both by faith and faction to your majesty and 'to the catholic estate: I held the hope of our

'country's weal depending (next under God) 'upon the life of your majesty, to be desperate, 'and thereupon resolved, to depart the realm, 'determining to spend the remnant of my life 'in such solitary sort, as the miserable and 'wretched estate of my country doth require; 'only expecting, according to the just judg- 'ment of God, the present confusion thereof, 'which God, for his mercy sake, prevent. 'The which my purpose being in execution, 'and standing upon my departure, there was 'addressed unto me, from the parts beyond the 'seas, one Ballard, a man of virtue and learn- 'ing, and of singular zeal to the catholic cause, 'and your majesty's service. The man in- 'formed me of great preparations by the 'Christian princes, your majesty's allies, for 'the deliverance of our country from the ex- 'treme and miserable estate wherein for a long 'time it hath remained. Which when I un- 'derstood, my especial desire was, to advise 'by what means I might, with the hazard of 'my life, and all my friends in general, do 'your sacred majesty one day's good service. 'Whereupon, most dread sovereign, according 'to the great care, which those princes have of 'the preservation and safe deliverance of your 'majesty's sacred person, I advised of means, 'and considered of circumstances accordingly, 'to and with so many of the wisest and most 'trusty, as with safety I might commend the 'secrecy thereof unto: I do find, by the as- 'sistance of the Lord Jesus, assurance of good 'effect, and desired fruit of our travail. These 'things are first to be advised in this great and 'honourable action; upon issue of which de- 'pendeth, not only the life of your most excel- 'lent majesty, which God long preserve, to 'our inestimable comfort, and to the salvation 'of English souls, and the lives of all us actors 'therein; but also the honour and weal of our 'country, far more dear than our lives unto us, 'and the last hope ever to recover the faith of 'our forefathers, and to redeem ourselves from 'the servitude and bondage, which hereby 'heretofore hath been imposed upon us with 'the loss of many thousand souls. First, for 'the assuring of invasions, sufficient strength 'on the invaders parts to arrive is appointed, 'with a strong party at every place, to join 'with them, and warrant their landing, the de- 'liverance of your majesty, the dispatch of 'the usurping competitor. For the effecting 'of all, may it please your majesty to rely upon 'my service, I protest before the Almighty, 'who hath long miraculously preserved your 'royal person, no doubt to some universal 'good, that what I have said shall be perform- 'ed, or all our lives happily lost in the execu- 'tion thereof. Which vow all the chief actors 'have taken solemnly; and are upon assurance, 'by your majesty to me, to receive the blessed 'sacrament thereupon, either to prevail in the 'church's behalf, and your majesty's, or fortu- 'nately to die for so honourable a cause. Now, 'forasmuch as delays are extreme dangerous, it 'might please your most excellent majesty, by 'your wisdom to direct us, and by your princely 'authority to enable us, and such as may ad- 'vance the affairs: foreseeing, there is not any 'of the nobility, at liberty, assured to your ma- 'jesty in this desperate service, except unknown 'unto us; and seeing that it is very necessary 'that some there should be to become heads to 'lead the multitude, who are disposed by na- 'ture in this land to follow nobility: consider- 'ing withal, it doth not only make the commons 'and country to follow without contradiction 'or contention, which is ever found in equality, 'but also doth add great courage to the leaders. 'For which necessary regards, I would recom- 'mend some to your majesty as are fittest, in 'my knowledge, to be your lieutenants, in the 'west parts, in the north parts, South Wales, 'and North Wales, the countries of Lancaster, 'Derby, and Stafford. In all which countries, 'parties being already made, and fidelity taken 'in your majesty's name, I hold them as most 'assured, and of undoubted fidelity. Myself, 'with ten gentlemen of quality, and an hundred 'followers, will undertake the delivery of your 'person from the hands of your enemies; and 'for the dispatch of the usurper, from obedience 'of whom, by the excommunication of her, we 'are made free, there be six noble gentlemen, 'all my private friends, who, for the zeal they 'bear to the Catholic cause, and your majesty's 'service, will undertake the tragical execution. 'It resteth, that according to their infinite de- 'serts, and your majesty's bounty, their heroical 'attempts may be honourably rewarded in 'them, if they escape with life, or in their pos- 'terity; and that so much by your majesty's 'authority I may be able to assure them. Now 'it remaineth only in your majesty's wisdom, 'that it be reduced into method, that your 'happy deliverance be first, for that thereupon 'dependeth the only good, and that the other 'circumstances concur; that the untimely end 'of the one do not overthrow the rest. All 'which your majesty's wonderful experience 'and wisdom will dispose in so good manner as, 'I doubt not, through God's good assistance, 'shall take deserved effect: for the obtaining 'of which every one of us shall think his life 'most happily spent. Upon the twelfth day of 'this month I will be at Litchfield, expecting 'your majesty's answers and letters, to execute 'what by them shall be commanded. Your 'majesty's faithful subject, and sworn servant,

'Anthony Babington.'

As for these Letters (said she) it may be that Babington wrote them, but let it be proved that I received them: If Babington or any others affirm it, I say they lye openly; other men's crimes are not to be cast upon me. A Packet of Letters, which had been kept from me almost a whole year, came to my hands about that time, but by whom it was sent, I know not.

To prove that she had received Babington's Letters, there were read out of Babington's Confession the chief heads of certain Letters, which he had voluntarily confessed, that she wrote

back unto him: wherein when mention was made of the earl of Arundel and his brethren, and the earl of Northumberland, the tears burst forth, and she said, Alas! what hath that noble house of the Howards endured for my sake? and shortly after, having wiped away the tears, she answered, That Babington might confess what he list, but it was an open lye, that she had devised such means to escape: That her adversaries might easily get the Cyphers, which she had used to others, and with the same write many things falsely: that it was not likely she should use Arundel's help, whom she knew to be shut up in prison; or Northumberland's, who was very young, and to her unknown.

There were read also certain points picked out of Savage's and Ballard's Confessions, who had confessed that Babington imparted unto them certain Letters, which he had received from the queen of Scots.

She affirmed, That Babington received none from her, yea that she was angry with some which had secretly suggested counsels unto her for invading of England, and had warned them to beware.

Now was there a Letter brought forth, wherein Babington's Plot was commended and approved.

The Answer of the Scotish Queen to a Letter written by Anthony Babington, 12 July. 1586.

'Trusty and well-beloved, according to the 'zeal and entire affection which I have known 'in you towards the common cause of Reli- 'gion, and mine, having always made account 'of you as a principal and right worthy mem- 'ber to be employed both in the one, and in 'the other; it hath been no less consolation 'unto me to know your estate, as I have done 'by your last Letter, and to have further 'means to renew my intelligence with you, 'than I have felt griefs all this while past, to 'be without the same. I pray you therefore to 'write unto me hereafter, so often as you can, 'of all concurrents, which you may judge in any 'sort importunate to the good of mine affairs, 'wherein I shall not fail to correspond with all 'the care and diligence that shall be by possi- 'bility. For divers great and importunate con- 'siderations, which were here too long to be 'deducted, I cannot but greatly praise and 'commend your common desire to prevent, in 'time, the designment of our enemies, for the 'extirpation of our religion out of this realm, 'with the ruin of us all; for I have long ago 'shewed to the foreign catholic princes, what 'they have done against the king of Spain, 'and in the time the catholics here remaining, 'exposed to all persecutions and cruelty, do 'daily diminish in number, forces, means and 'power, so as if remedy be not thereunto 'speedily provided, I fear not a little but that 'they shall become altogether unable for ever 'to rise again to receive any aid at all when- 'soever it is offered. Then for my own part, 'I pray you assure our principal friends, that 'albeit I had no particular interest in this case, 'that all that I may pretend unto, being of no 'consideration to me in respect of the public 'good of the state, I shall be always ready, and 'most willing to employ therein my life, and 'all that I have, or may look for in this world. 'Now to ground substantially this enterprize, 'and to bring it to good success, you must ex- 'amine duly, 1. What forces, as well on foot 'as on horse, you may raise among you all; 'and what captains you shall appoint for them 'in every shire, in case a general cannot be 'had. 2. Which towns, ports, and havens, 'you may assure yourselves, as well on the 'North, West, and South, to receive succours, 'as well from the Low-Countries, Spain, and 'France, as from other parts. 3. What place 'you esteem fittest, and of most advantage to 'assemble the principal company of your forces 'at the same time, which would be compassed 'conform to the proportion of your own. 4. 'For how long pay and munition, and what 'ports are fittest for their landing in this realm, 'from the foresaid three foreign countries. 5. 'What provision of monies and armour, in 'case you should want, you would ask. 6. By 'what means do the six gentlemen deliberate to 'proceed. 7. The manner of my getting forth 'of this hold.—Which Points having taken 'amongst you who are the principal actors, 'and also as few in number as you can; the 'best resolution in my device is, that you im- 'part the same with all diligence to Bernardin 'de Mendoza, ambassador lieger for the king 'of Spain in France, who besides the experi- 'ence he hath of the estate on this side, I may 'assure you, will employ himself most willing: 'I shall not fail to write to him of the matter 'with all the recommendations I can, as also I 'shall do in any wise that shall be needful. 'But you must take choice men for the ma- 'naging of the affairs with the said Mendoza, 'and others out of the realm of some faithful 'and very secret, both in wisdom and person- 'age, unto whom only you must commit your- 'selves; to the end things may be kept the 'more secret, which for your own security I 'commend to yourself. If your messenger 'bring you back again sure promise, and suf- 'ficient assurance of the succours which you 'demand, then thereafter (but not sooner, for 'that it were in vain) take diligent order, that 'all those on your part make, secretly as they 'can, provision of armour, fit horses, and ready 'money, wherewith to hold themselves in a 'readiness to march as soon as it shall be sig- 'nified unto you by the chief and principal of 'every shire: and for the better colouring of 'the matter, reserving to the principals the 'knowledge of the ground of the enterprizes, 'it shall be enough at the beginning to give it 'out to the rest, that the said provisions are 'made only for the fortifying of yourselves in 'case of need, against the Puritans of this 'realm, the principal whereof having the chief 'forces thereof in the Low Countries, as you 'may let the bruit go disguised, do seek the

'ruin and overthrow at their return home of 'the catholics, and to usurp the crown, not 'only against me and all other lawful pretenders 'thereto, but against their own queen that now 'is, if she will not altogether submit herself to 'their government. These pretexts may serve 'to found and establish among all associations, 'or confederations general, as done only for 'your preservation and defence, as well in 'religion as lands, lives, and goods, against 'the oppression and attempts of the said Puritans; without directly writing, or giving 'out any thing against the queen, but rather 'shewing yourselves willing to maintain her 'and her lawful heirs after her, not naming me. 'The affairs being thus prepared, and forces in 'readiness, both without and within the realm, 'then shall it be time to set the gentlemen on 'work; taking good order, upon the accomplishment of their discharges, I may be suddenly transported out of this place, and meet 'without tarrying for the arrival of the foreign 'aid, which then must be hastened with all 'diligence. Now for that there can be no 'certain day appointed for the accomplishment 'of the said gentlemen's designment, to the 'end others may be in a readiness to take me 'from hence, I would that the said gentlemen 'had always about them, or at least at court, 'divers and sundry scoutmen, furnished with 'good and speedy horses, as soon as the design 'shall be executed, to come with all diligence 'to advertise me thereof, and those that shall 'be appointed for my transporting; to the end 'that immediately after they may be at the 'place of mine abode, before my keeper can 'have advertisement of the execution of the 'said designment, or at the least before he can 'fortify himself within the house, or carry 'me out of the same. It were necessary to 'dispatch two or three of the said advertisers 'by divers ways, to the end, if one be staid the 'other may come through: at the same instant 'it were needful also to assay to cut off the posts 'ordinary ways. This is the plot that I think 'best for this enterprize, and the order whereby we shall conduct the same for our common security: for stirring on this side before you be sure of sufficient foreign forces, 'that were for nothing but to put ourselves in 'danger of following the miserable fortune of 'such as have heretofore traveled in the like 'actions; and if you take me out of this place, 'be well assured to set me in the midst of a 'good army, or some very good strength, where 'I may safely stay till the assembly of your 'forces, and arrival of the said foreign succours. It were sufficient cause given to the 'queen, in catching me again, to inclose me 'in some hold, out of the which I should never 'escape, if she did use me no worse; and to 'pursue with all extremity those that assisted 'me, which would grieve me more than all the 'unhappiness might fall upon myself. Earnestly as you can, look and take heed most 'carefully and vigilantly to compass and assure 'all so well, that shall be necessary for the 'effecting of the said enterprize, as with the 'grace of God you may bring the same to happy 'end; remitting to the judgment of your principal friends on this side, with whom you 'have to deal, therein to ordain and conclude 'upon these points, which may serve you for 'an overture of such propositions as you shall 'amongst you find best: and to yourself in 'particular, I refer the gentlemen aforementioned, to be assured of all that should be requisite for the intire execution of their good-'wills. I leave their common resolution to 'advice: in case the design do not take hold, 'as may happen whether they will or no, do 'not pursue my transport, and the execution 'of the rest of the enterprize. But if the mishap 'should fall out, that you might not come by 'me, being set in the Tower of London, or in 'any other strength, with strong guard; yet 'notwithstanding, leave not for God's sake to 'proceed in the enterprize: for I shall at any 'time die most contentedly, understanding of 'your delivery out of the servitude wherein 'you are holden as slaves. I shall assay, that 'at the same time that the work shall be in 'hand, at that present to make the catholics 'of Scotland to arise, and put my son in their 'hands, to the effect, that from thence our enemies here may not prevail by any succour: I 'would also that some stirring were in Ireland, 'and that it were laboured to begin some time 'before any thing be done here, and then that 'the alarm might begin thereby on the flat 'contrary side: that the stroke may come 'from your designs, to have some general, or 'chief head, are very pertinent; and therefore 'were it good to send obscurely for the purpose to the earl of Arundel, or some of his 'brethren, and likewise to seek to the young 'earl of Northumberland, if he be at liberty, 'from over the sea; the earl of Westmoreland 'may be had, whose hand and name, you 'know, may do much in the North parts; also 'the lord Paget, of good ability in some shires 'thereabouts: both the one and the other may 'be had, amongst whom secretly some more 'principal banished, may return, if the enterprize be once resolute. The said lord Paget 'is now in Spain, and may treat of all that, by 'his brother Charles, or directly by himself, 'you will commit unto him touching the affairs. 'Beware that none of your messengers, that 'you send forth of the realm, carry any letters 'upon themselves; but make their dispatches, 'and send them either after or before them by 'some others. Take heed of spies and false 'brethren that are amongst you, especially of 'some priests, already practised upon by your 'enemies for your discovery: and in any case 'keep never a paper about you, that may in 'any sort do harm: for from like errors have 'come the condemnation of all such as have 'suffered heretofore, against whom otherwise 'nothing could justly have been proved. Discover as little as you can, your names and intentions to the French ambassador, now liger 'at London; for although, as I understand, he

'is a very honest gentleman, yet I fear his 'master entertaineth a course far contrary to 'our designment, which may move him to dis-'cover us, if he had any particular knowledge 'thereof. All this while I have sued to change 'and remove from this house; and for answer, 'the castle of Dudley only hath been named to 'serve the turn; so as by appearance about 'the end of this summer, I may go thither: 'therefore advise so soon as I shall be there, 'what provision may be had about that part, 'for my escape from thence. If I stay here, 'there is but one of these three ways or means, 'to be looked for.

'The 1st, That at a certain day appointed for 'my going abroad on horseback on the Mores, 'between this and Stafford, where ordinarily, 'you know, but few people do pass, let fifty or 'threescore horsemen, well mounted and arm-'ed, come to take me away, as they may ea-'sily; my keeper having with him but eighteen 'or twenty horses, with only dogs.

'The 2nd means, To come at midnight, or 'soon after, and set fire on the barns and sta-'bles, which you know are near the house; 'and whilst my guardian servants shall come 'forth to the fire, your company having duly 'on a mark, whereby they may be known one 'from another, some of you may surprize the 'house, where I hope with the few servants I 'have about me, I shall be able to give you cor-'respondent aid.

'And the 3rd is, Some there be that bring 'carts hither early in the morning, three carts 'may be so prepared; that being in the midst 'of the great gate, the carts might fall down, 'or overthrow; that thereupon you might come 'suddenly, and make yourselves masters of 'the house, and carry me suddenly away; so 'you might easily do before any number of 'soldiers, who lodge in sundry places forth of 'this place, some half a mile, and some a 'whole mile, could come to relieve. Whatso-'ever issue the matter taketh, I do, and shall 'think myself obliged, so long as I live, to-'wards you, for the offers you make to hazard 'yourself as you do for my deliverance; and 'by any means that ever I may have, I shall 'do my endeavour to recognize my effects your 'deserts; therein I have commanded a more 'ample alphabet to be made for you, which 'herewith you shall receive. God Almighty 'have you in his protection. Your assured 'friend for ever. Mary, *Regina*.—Fail not to 'burn this privately and quickly.'

Of this Letter she required a Copy, and affirmed, That it proceeded not from her, but haply from her Alphabet of Ciphers in France: That she had done her best endeavour for the recovery of her liberty, which nature itself alloweth, and had solicited her friends to deliver her; yet to some, whom she listed not to name, when they offered her their help to deliver her, she answered not a word. Nevertheless, she much desired to divert the storm of persecution from the Catholics, and for this she had made earnest suit to the queen: for her part, she would not purchase the kingdom with the death of the meanest man of the common people, much less of the queen: That there were many which attempted dangerous designs without her knowledge; and by a very late Letter, which she had received, Pardon was asked of her by some, if they should enterprize any thing without her privity: That it was an easy matter to counterfeit the Ciphers and Characters of others, as a young man did very lately in France, which had vaunted himself to be her son's base brother: That she feared also lest this were done now by Walsingham to bring her to her death, who, as she heard, had practised against her life and her son's. She protested that she had not so much as thought the destruction of the queen; that she had rather most gladly spend her own life, than for her sake the Catholics should be so afflicted in hatred of her, and drawn to cruel death. And withal she shed plenty of tears.

But (said the Lord Treasurer) no man which hath shewed himself a good subject, was ever put to death for Religion; but some have been for Treason, while they maintained the Pope's Bull and authority against the queen.—Yet I, said she, have heard otherwise, and have read it also in Books set forth in print.—The Authors, replied he, of such Books, do write also that the queen had forfeited her royal dignity.

Walsingham, who hath found himself taxed even now by her words, took opportunity, and rising up, protested that his mind was free from all malice: I call God, said he, to record, that as a private person I have done nothing unbeseeming an honest man; nor as I bear the place of a public person, have I done any thing unworthy my place. I confess, that being very careful for the safety of the queen and realm, I have curiously searched out the practices against the same. If Ballard had offered me his help, I should not have refused it; yea, I would have recompensed the pains he had taken. If I have practised any thing with him, why did he not utter it to save his life?

With this answer, she said she was satisfied: She prayed him he would not be angry, that she had spoken freely what she had heard reported; and that he would give no more credit to those that slandered her, than she did to such who accused him: That Spies were men of doubtful credit, which dissemble one thing, and speak another; and that he would in no sort believe that she had consented to the queen's destruction. And now again she burst forth into tears; I would never, said she, make shipwreck of my soul, by conspiring the destruction of my dearest sister.

It was answered by the Lawyers, that this should soon be disproved by Testimony. Thus far in the forenoon.

In the afternoon, to disprove this, was produced the Copy of a Letter which Charles Paget had written; and Curle, one of her secretaries, had witnessed that she had received; touching a Conference betwixt Mendoza and Ballard, about the design for invading

of England, and setting her at liberty.—This, answered she, was nothing to the purpose, and proved not that she had consented to the destruction of the queen.

The Lawyers proceeded further, to prove that she was both privy to the Conspiracy, and conspired also the Destruction of the queen, by Babington's Confession, and Letters also that had passed betwixt her and him; wherein he called her, his most dread and sovereign lady, and queen: And by the way, they mentioned that a Plot was laid for conveying the kingdom of England to the Spaniard. She confessed, that a priest came unto her, and said, That if she would not intermeddle, she and her son both should be excluded from the inheritance; but the priest's name she would not tell. She added, that the Spaniard did lay claim to the kingdom of England, and would not give place to any but to her.

Then pressed they her with the Testimonies of her Secretaries Naw and Curle, out of Babington's Confession, and the Letters sent to and fro betwixt her and Babington, and the whole credit of their Proofs rested upon their Testimony; yet were not they produced before her face to face. Curle she acknowledged an honest man, but not a meet Witness to be against her. As for Naw, he had been sometimes a Secretary, said she, to the cardinal of Lorain, and commended unto her by the French king, and might easily be drawn either by reward, or hope, or fear, to bear false witness, as one that had sundry times rashly bound himself by oath, and had Curle so pliable unto him, that at his beck he would write what he bade him. It might be that these two might insert into her Letters, such things as she had not dictated unto them. It might be also that such Letters came to their hands, which notwithstanding she never saw; and so she brake forth into such words as these; The majesty and safety of all princes falleth to the ground, if they depend upon the Writings and Testimony of Secretaries. I delivered nothing to them but what nature delivered to me, that I might at length recover my liberty. And I am not to be convicted but by mine own Word or Writing. If they have written any thing which may be hurtful to the queen my sister, they have written it altogether without my knowledge; and let them bear the punishment of their inconsiderate boldness. Sure I am, if they were here present, they would clear me of all blame in this Cause. And I, if my Notes were at hand, could answer particularly to these things.

Amongst these Speeches, the Lord Treasurer objected unto her, that she had purposed to send her son into Spain, and to convey her Title she claimeth in the kingdom of England, to the Spaniard.—To whom she answered, That she had no kingdom which she could convey, yet was it lawful for her to give those things which were hers, at her pleasure, and not to be accountable for the same to any.

When her Alphabets of Ciphers, sent over to Babington, the lord Lodouic and Fernihurst, were objected unto her out of Curle's Testimony; she denied not, but she had written out many: and amongst others, that for the lord Lodouic, when she had commended him and another to the dignity of a Cardinal; and that without offence, (she trusted) for that it was as lawful for her to have intercourse of Letters, and to negotiate her matters with men of her Religion, as for the queen with the professors of another religion.

Then pressed they her hard with the consenting Testimonies of Naw and Curle reiterated: and she reiterated her Answers, or else refelled their Testimonies by a flat denial; protesting again, that she neither knew Babington nor Ballard.

Amongst these Speeches, when the Lord Treasurer had mentioned, that she knew Morgan well, which had sent Parry privily to murder the queen, and that she had assigned him a yearly pension; she replied, that she knew not whether Morgan had done so, but she knew that Morgan had lost all for her sake, and therefore it concerned her in honour to relieve him; and she was not bound to revenge an Injury done the queen by a friend, that had deserved well at her hands? yet had she terrified the man from such wicked attempts: but contrarywise (said she) Pensions have been assigned out of England to Patrick Gray, and to the Scots my adversaries, as also to my son.

The Lord Treasurer answered, When the revenues of Scotland were by the negligence of the regents much diminished, the queen bestowed somewhat in bounty upon your son the king, her near kinsman.

Afterwards were produced the chief points of certain Letters sent to England, and the lord Paget, and to Bernardine de Mendoza, about foreign aid. But when she had answered, That these things made not to the destruction of the queen; and if foreigners laboured to set her at liberty, it was not to be laid to her charge; and that she had sundry times openly signified to the queen, that she would seek her own liberty: the matter was prorogued till the next day following.

The next day she returned her former Protestation, and required to have it recorded, and a Copy thereof delivered to her, lamenting, that the most reasonable conditions, which she had many times propounded to the queen, were always rejected, even when she promised to deliver her son and the duke of Guise's son for hostages, that the queen or kingdom of England should receive no detriment by her, so as she saw herself already quite barred from all hope of her liberty. But now she was most unworthily dealt withal, whose honour and reputation was called in question before foreign lawyers, which by wretched conclusions drew every circumstance into a consequence; whereas princes anointed and consecrate are not subject to the same laws that private men are. Moreover, whereas authority was granted to the Commissioners, to examine matters tending

to the hurt of the queen's person: yet was the Cause so handled, and Letters wrested, that the religion which she professed, the immunity and majesty of foreign princes, and the private intercourse betwixt princes were called in question, and she herself made to descend beneath her royal dignity, and to appear as a party guilty before a tribunal seat: and all to no other purpose but that she might be quite excluded out of the queen's favour, and her own right to the succession; whereas she appeared voluntarily to clear herself of the matters objected against her, lest she might seem to have neglected the defence of her own honour and innocency. She called also to remembrance, how queen Elizabeth herself had been drawn in question about Wyat's Conspiracy,* whereas notwithstanding she was most innocent: religiously affirming, that though she wished the safety of the Catholics might be provided for; yet would she not that it should be effected with the death and blood of any one. For her part, she had rather play Hester than Judith; make intercession to God for the people, than deprive the meanest of the people of life. She expostulated, that her enemies had divulged abroad that she was irreligious; but the time was (said she) when I would have been instructed in the Protestant Religion, but they would not suffer me to be so, as if they cared not what became of my soul. And now concluding, When ye have done all ye can (said she) against me, and have excluded me from my right, ye may chance fail of your cause and hope. And withal making her appeal to God, and to the princes her kinsmen, and renewing her Protestation, she prayed that there might be another meeting about this matter, and that an advocate might be granted unto her to plead her Cause; and that seeing she was a princess, she might be believed in the word of a princess: For it were extreme folly to stand to their judgement, whom she saw most plainly to be armed with prejudice against her.

To these things the Lord Treasurer said, Whereas I bear a double person, one of a Commissioner, another of a Counsellor, receive first a few words from me as a Commissioner. Your Protestation is recorded, and a Copy thereof shall be delivered unto you. To us our authority is granted under the queen's hand, and the great seal of England, from which there is no appeal; neither do we come with prejudice, but to judge according to the exact rule of justice. The queen's learned Counsel do level at nothing else but that the truth may come to light, how far you have offended against the queen's person. To us full power is given to hear and examine the matter, even in your absence; yet were we desirous you should be present, lest we might seem to have derogated from your honour: We purposed not to object any thing unto you, but what you were privy to, or have attempted against the queen's person. The Letters have been read to no other purpose, but to discover your offence against the queen's person, and the matters to it belonging, which are so interlaced with other matters, that they cannot be severed. The whole Letters therefore, and not parcels picked out here and there, have been openly read, for that the circumstances do give assurance, what matters you dealt with Babington about.

She interrupting him, said, The circumstances may be proved, but never the fact: Her integrity depended not upon the credit and memory of her Secretaries, though she knew them to be honest and sincere men. Yet if they have confessed any thing out of fear of torments, or hope of reward and impunity, it was not to be admitted, for just causes, which she would alledge elsewhere. Men's minds, said she, are diversly carried about with affections, and they would never have confessed such matters against her, but for their own advantage and hope. Letters may be directed to others, than those to whom they are written, and many things have been often inserted, which she never dictated. If her papers had not been taken away, and she had her Secretary, she could better confute the things objected against her.

But nothing, said the Lord Treasurer, shall be objected, but since the 19th day of June; neither will your Papers avail you, seeing your Secretaries and Babington himself, being never put to the rack, have affirmed that you sent those Letters to Babington; which though you deny, yet whether more credit is to be given to an affirmation than to a negation, let the Commissioners judge. But to return to the matter: this which followeth, I tell you as a counsellor; many things you have propounded time after time concerning your liberty; that they have failed of success, it is long of you, or of the Scots, and not of the queen. For the Lords of Scotland flatly refused to deliver the king in hostage. And when the last Treaty was holden concerning your liberty, Parry was sent privily by Morgan, a dependant of yours, to murder the queen.

Ah (said she) you are my adversary. Yea (said he) I am adversary to queen Elizabeth's adversaries. But hereof enough, let us now proceed to Proofs. Which when she refused to hear; Yet we (said he) will hear them: and I also (said she) will hear them in another place, and defend myself.

Now were read again her Letters to Charles Paget, wherein she shewed him that there was no other way for the Spaniard to reduce the Netherlands to obedience, but by setting up a prince in England that might be of use unto him; and to the lord Paget, to hasten his auxiliary forces to invade England: and cardinal Allen's Letter, wherein he called her his most dread sovereign lady, and signified that the matter was commended to the prince of Parma's care.

As these Letters were in reading, she interposed these Speeches: That Babington and her Secretaries had accused her to excuse them-

* See No. 51.

of England, and setting her at liberty.—This, answered she, was nothing to the purpose, and proved not that she had consented to the destruction of the queen.

The Lawyers proceeded further, to prove that she was both privy to the Conspiracy, and conspired also the Destruction of the queen, by Babington's Confession, and Letters also that had passed betwixt her and him; wherein he called her, his most dread and sovereign lady, and queen: And by the way, they mentioned that a Plot was laid for conveying the kingdom of England to the Spaniard. She confessed, that a priest came unto her, and said, That if she would not intermeddle, she and her son both should be excluded from the inheritance; but the priest's name she would not tell. She added, that the Spaniard did lay claim to the kingdom of England, and would not give place to any but to her.

Then pressed they her with the Testimonies of her Secretaries Naw and Curle, out of Babington's Confession, and the Letters sent to and fro betwixt her and Babington, and the whole credit of their Proofs rested upon their Testimony; yet were not they produced before her face to face. Curle she acknowledged an honest man, but not a meet Witness to be against her. As for Naw, he had been sometimes a Secretary, said she, to the cardinal of Lorain, and commended unto her by the French king, and might easily be drawn either by reward, or hope, or fear, to bear false witness, as one that had sundry times rashly bound himself by oath, and had Curle so pliable unto him, that at his beck he would write what he bade him. It might be that these two might insert into her Letters, such things as she had not dictated unto them. It might be also that such Letters came to their hands, which notwithstanding she never saw; and so she brake forth into such words as these; The majesty and safety of all princes falleth to the ground, if they depend upon the Writings and Testimony of Secretaries. I delivered nothing t
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ward Jones, Chidiock Titchbourne, Charles Tilney, and the rest of the Conspirators, was confirmed, and their goods and possessions confiscate. The estates also of the realm, which had by their voices approved and confirmed the Sentence given against the queen of Scots, did with joint assent put up a Supplication to the queen by the hands of the lord chancellor, as follows:

'May it please your most excellent majesty, 'our most gracious sovereign, we your humble, 'loving and faithful subjects, the Lords and 'Commons in this present Parliament assembled, having of long time to our intolerable 'grief seen by how manifold most dangerous 'and execrable practices, Mary the daughter 'and heir of James 5, late king of Scots, 'dowager of France, and commonly called 'Queen of Scots, hath compassed the Destruction of your majesty's sacred and most royal 'person, in whose safety (next under God) our 'chief and only felicity doth consist; and 'thereby not only to bereave us of the sincere 'and true Religion of Almighty God, bringing 'us and this noble crown back again into the 'thraldom of the Romish tyranny, but also 'utterly to ruinate and overthrow the happy 'State and Commonweal of this most noble 'realm; which being from time to time by the 'great mercy and providence of God, and your 'highness's singular wisdom, foreseen and prevented, your majesty of your exceeding great 'clemency and princely magnanimity hath 'either most graciously passed over, or with 'singular favour tolerated, although often and 'instantly moved by your most loving and 'faithful subjects to the contrary, in times of 'your Parliaments, and at many other times; 'and hath also protected and defended the 'said Scotish queen from those great dangers 'which her own people, for certain detestable 'crimes and offences to her imputed, had determined against her: all which notwithstanding, the same queen was nothing moved with 'these and many other your majesty's most 'gracious favours towards her; but rather obdurate in malice, and by hope of continual 'impunity imboldened to prosecute her cruel 'and mischievous determination by some 'speedy and violent course; and now lately a 'very dangerous Plot being conceived and 'set down by Anthony Babington and others, 'That six desperate and wicked persons should 'undertake that wicked and most horrible enterprize, to take away your majesty's life, '(whom God of his infinite mercy long preserve) she did not only give her advice and 'direction upon every point, and all circumstances concerning the same, make earnest 'request to have it performed with all diligence, but did also promise assurance of large 'reward and recompence to the doers thereof: 'which being informed to your majesty, it 'pleased your highness, upon the earnest suit 'of such as tendered the safety of your royal 'person, and the good and quiet state of this 'realm, to direct your Commission under the

selves; that she never heard of the six Executioners, and that the rest made nothing to the purpose. As for Allen, she held him for a reverend prelate; and she acknowledged no other Head of the Church, but the bishop of Rome. In what rank and place she was esteemed by him and foreign princes, she knew not; neither could she hinder it, if in their letters they called her queen of England. As for her Secretaries, seeing they had done contrary to their duty and allegiance sworn unto her, they deserved no credit. They which have once forsworn themselves, though they swear again with never so great oaths and protestations, are not to be credited. Neither did these men think themselves bounden by any oath whatsoever in court of conscience, forasmuch as they had sworn their fidelity and secrecy to her before, and were no subjects of England. That Naw had many times written otherwise than she had dictated unto him, and Curle wrote whatsoever Naw bade him. But for her part she was willing to bear the burden of their fault in all things, but what might lay a blot upon her honour. And haply also they confessed these things to save themselves; supposing that they could not hurt her by confessing, who they thought should be more favourably dealt withal as being a queen. As for Ballard, she never heard of any such, but of one Hallard, which had offered her his help; which notwithstanding, she had refused, for that she had heard that the same man had also vowed his service to Walsingham.

Afterwards were read certain brief Notes of her Letters to Mendoza, which Curle had confessed he had written in privy Cipher.

'I find myself greatly troubled what course 'to take a-new, for the affairs on this side the 'sea; Charles Paget hath a charge from me to 'impart unto you certain overtures in my 'behalf; whereupon I pray you deliver him 'freely, what you think may be obtained 'thereof, from the king your master. There 'is another point depending thereof, which 'I have reserved to write to your ownself, 'for to be by you sent unto the king your 'master on my behalf, no man else, if it 'be possible, being privy thereunto; that is, 'that considering my son's great obstinacy in 'Heresy, and foreseeing hereupon the immi'nent danger and harm like to ensue to the 'Catholic Church, he coming to the Succession 'of this realm, I have resolved with myself, in 'case my said son do not reduce himself before 'my death to the Catholic Religion, (as I must 'tell you plainly, I have small hope so long as 'he shall remain in Scotland) to give and grant 'my right to the said king your master, in the 'Succession of this crown, by my last Will and 'Testament; praying him in consideration 'hereof from this time forward to take me 'wholly into his protection, likewise the state 'and affairs of this country: the which for dis'charge of my conscience, I cannot think I 'can put into the hands of a prince more zea'lous of our Religion, and able in all respects 'to re-establish the same on this side, as it 'imports all the rest of Christendom. Let this 'be kept secret, forasmuch as if it come to be 'revealed, it should be in France the loss of 'my dower, in Scotland a clear breach with my 'son, and in this country my total ruin and de'struction.—Thank on my behalf the said king 'your master, for the favour and liberality ex'tended to the lord Paget and his brother, 'which I pray him most earnestly to continue, 'and to gratify for my sake with some pension 'poor Morgan, who hath so much endured not 'only for me, but for the common cause.—I 'recommend likewise unto you Fulsambe '(whom you know) to help him to some supply, 'above the Entertainment that I have allotted 'him, according to the small means I have.'

Out of these she was pressed as if she had purposed to convey her Right in the kingdom to the Spaniard, and that Allen and Parsons lay now at Rome for that cause. She complaining that her Secretaries had broken their allegiance bound by oath, answered, When being prisoner I languished in cares without hope of liberty, and was without all hope to effect those things which very many expected at my hands, declining now through age and sickness; it seemed good to some, that the Succession of the Crown of England should be established in the Spaniard, or some English Catholic. And a Book was sent unto me to avow the Spaniard's Title; which when it was not allowed by me, I incurred displeasure among some: But now all my hope in England being desperate, I am fully resolved not to reject foreign aid.

The Solicitor put the Commissioners in mind what would become of them, their honours, estates and posterities, if the kingdom were so conveyed. But the Lord Treasurer shewed that the kingdom of England could not be conveyed, but was to descend by Right of Succession according to the laws; and asked her, if she would any more.

She required that she might be heard in a full parliament, or that she might in person speak with the queen, who would (she hoped) have regard of a queen, and with the council. And now rising up with great confidence of countenance, she had some conference with the lord treasurer Hatton, Walsingham, and the earl of Warwick, by themselves apart.

Proceedings in the Star Chamber.

These things being done, the assembly was prorogued to the 25th of October, at the Star-Chamber at Westminster. Thus far touching this matter out of the Commentaries of Edward Barker, principal Register to the queen's majesty; Thomas Wheeler, public Notary, Register of the Audience of Canterbury; and other credible persons which were present.

The said 25th day of October, all the Commissioners met, saving the earls of Shrewsbury and Warwick, which were both of them sick at that time; and after Naw and Curle had by oath, *viva voce*, voluntarily without hope of

reward, before them avowedly affirmed and confirmed all and every the Letters, and Copies of Letters, before produced, to be most true; Sentence was pronounced against the queen of Scots, and confirmed with the seals and subscriptions of the Commissioners, and recorded in these words: 'By their joint assent and consent, they do pronounce and deliver their Sentence and Judgment, at the day and place last recited; and say, That after the end of the aforesaid session of parliament, in the Commission aforesaid specified, namely after the aforesaid 1st day of June, in the 27th year abovesaid, and before the date of the same Commission, divers matters have been compassed and imagined within this realm of England, by Anthony Babington and others, *cum scientia*, in English, with the privity, of the said Mary, pretending title to the crown of this realm of England, tending to the hurt, death and destruction of the royal person of our said lady the queen. And namely, That after the aforesaid 1st day of June, in the 27th year abovesaid, and before the date of the Commission aforesaid, the aforesaid Mary pretending title to the crown of this realm of England, hath compassed and imagined within this realm of England, divers matters tending to the hurt, death and destruction of the royal person of our sovereign lady the queen, contrary to the form of the statute in the Commission aforesaid specified.'

Concerning this Sentence, which depended wholly upon the credit of the Secretaries, and they not brought forth face to face, according to the first Act of the 13th year of queen Elizabeth, much talk there was, and divers Speeches ran abroad; while some thought them credible persons, and some unworthy to be credited. I have seen Naw's Apology to king James, written in the year 1605; wherein laboriously protesting, he excuseth himself, that he was neither author, nor persuader, nor the first revealer of the Plot that was undertaken, nor failed of his duty through negligence, or want of foresight; yea, that this day he stoutly impugned the chief points of Accusation against his lady and mistress: which notwithstanding appeareth not by Records. But the same day was there a Declaration made by the Commissioners and Judges of the land, That the said Sentence did derogate nothing from James king of Scots, in title or honour, but that he was in the same place, degree and right, as if the same sentence had never been pronounced.

Proceedings in Parliament.

Some few days after, a Parliament was holden at Westminster, begun by virtue of a certain power of vice-gerency, granted by the queen to the abp. of Canterbury, the Lord Treasurer, and the earl of Derby, and that not without precedent. In which Parliament the Proscription of the lord Paget, Charles Paget, sir Francis Englefield, Francis Throckmorton, Anthony Babington, Thomas Salisbury, Edward Jones, Chidiock Titchbourne, Charles Tilney, and the rest of the Conspirators, was confirmed, and their goods and possessions confiscate. The estates also of the realm, which had by their voices approved and confirmed the Sentence given against the queen of Scots, did with joint assent put up a Supplication to the queen by the hands of the lord chancellor, as follows:

'May it please your most excellent majesty, 'our most gracious sovereign, we your humble, 'loving and faithful subjects, the Lords and 'Commons in this present Parliament assembled, having of long time to our intolerable 'grief seen by how manifold most dangerous 'and execrable practices, Mary the daughter 'and heir of James 5, late king of Scots, 'dowager of France, and commonly called 'Queen of Scots, hath compassed the Destruction of your majesty's sacred and most royal 'person, in whose safety (next under God) our 'chief and only felicity doth consist; and 'thereby not only to bereave us of the sincere 'and true Religion of Almighty God, bringing 'us and this noble crown back again into the 'thraldom of the Romish tyranny, but also 'utterly to ruinate and overthrow the happy 'State and Commonweal of this most noble 'realm; which being from time to time by the 'great mercy and providence of God, and your 'highness's singular wisdom, foreseen and prevented, your majesty of your exceeding great 'clemency and princely magnanimity hath 'either most graciously passed over, or with 'singular favour tolerated, although often and 'instantly moved by your most loving and 'faithful subjects to the contrary, in times of 'your Parliaments, and at many other times; 'and hath also protected and defended the 'said Scotish queen from those great dangers 'which her own people, for certain detestable 'crimes and offences to her imputed, had determined against her: all which notwithstanding, the same queen was nothing moved with 'these and many other your majesty's most 'gracious favours towards her; but rather obdurate in malice, and by hope of continual 'impunity imboldened to prosecute her cruel 'and mischievous determination by some 'speedy and violent course; and now lately a 'very dangerous Plot being conceived and 'set down by Anthony Babington and others, 'That six desperate and wicked persons should 'undertake that wicked and most horrible enterprize, to take away your majesty's life, '(whom God of his infinite mercy long preserve) she did not only give her advice and 'direction upon every point, and all circumstances concerning the same, make earnest 'request to have it performed with all diligence, but did also promise assurance of large 'reward and recompence to the doers thereof; 'which being informed to your majesty, it 'pleased your highness, upon the earnest suit 'of such as tendered the safety of your royal 'person, and the good and quiet state of this 'realm, to direct your Commission under the

'great seal of England, to the lords and others 'of your highness's privy council, and certain 'other lords of parliament of the greatest and 'most antient degree, with some of your prin-'cipal judges, to examine, hear and determine 'the same cause, and thereupon to give Sen-'tence or Judgment according to a statute in 'that behalf, made in the 27th year of your 'most gracious reign: by virtue whereof, the 'more part of the same Commissioners, being 'in number 36, having at sundry times fully 'heard what was alledged and proved against 'the said Scotish queen in her own presence, 'touching the said Crimes and Offences, and 'what she could say for her Defence and Ex-'cuse therein, did after long deliberation give 'their Sentence and judgment with one con-'sent, that the Death and Destruction of your 'royal person was imagined and compassed by 'the said Anthony Babington, with the privity 'of the same Scotish queen: and that she 'herself did also compass and imagine the 'death and destruction of your most royal 'person. Now for as much as we your ma-'jesty's most humble, loyal and dutiful sub-'jects, representing unto your most excellent 'majesty the universal state of your whole 'people of all degrees in this your realm, do 'well perceive, and are fully satisfied, that the 'same Sentence and Judgment is in all things 'most honourable, just and lawful; and having 'carefully and effectually, according to our 'most bounden duties, weighed and considered 'upon what ground and cause so many traitor-'ous complots, and dangerous practices against 'your most royal person and estate, and for 'the invading of this realm, have for the 'space of many years past grown and pro-'ceeded, do certainly find, and are undoubt-'edly persuaded that all the same have been 'from time to time attempted and practised, 'by and from the Scotish queen, and by her 'confederates, ministers and favourers, who 'conceive an assured hope to atchieve speedily 'by your majesty's untimely death that which 'they have long expected, and whereof during 'your life (which God long preserve to our in-'estimable comfort) they despair; to wit, to 'place her the said Scotish queen in the im-'perial and kingly seat of this realm, and by 'her to banish and destroy the professors and 'professing of the true Religion of Jesus 'Christ, and the antient nobility of this land, 'and to bring this whole state and common-'weal to foreign subjection, and utter ruin and 'confusion: which their malicious and trai-'torous purpose they will never cease to pro-'secute by all possible means they can, so 'long as they may have their eyes and imagina-'tions fixed upon that lady, the only ground 'of their treasonable hope and conceits, and 'the only seed-plot of all dangerous and trai-'torous devices and practices against your sa-'cred person. And seeing also what insolent 'boldness is grown in the heart of the same 'queen, through your majesty's former exceed-'ing favours and clemencies towards her; and 'thereupon weighing with heavy and sorrow-'ful hearts, in what continual peril of such 'like desperate conspiracies and practices 'your majesty's most royal and sacred person 'and life (more dear unto us than our own) is 'and shall be still, without any possible means 'to prevent it, so long as the said Scotish 'queen shall be suffered to continue, and shall 'not receive that due punishment, which by 'justice, and the laws of this your realm, she 'hath so often and so many ways for her 'most wicked and detestable offences deserv-'ed: Therefore, and for that we find, that if 'the said lady should now escape the due and 'deserved punishment of Death for these her 'most execrable Treasons and Offences, your 'highness's royal person shall be exposed un-'to many more, and those more secret and 'dangerous Conspiracies than before, and 'such as shall not or cannot be foreseen, 'or discovered, as these her late attempts 'have been; and shall not hereafter be 'so well able to remove or take away the ground 'and occasion of the same, as now by justice 'may or ought to be done: We do most humbly 'beseech your most excellent majesty, that as 'well in respect of the continuance of the true 'religion now professed amongst us, and of the 'safety of your most royal person and estate, as 'in regard of the preservation and defence of us 'your most loving, dutiful and faithful subjects, 'and the whole commonweal of this realm; it 'may please your highness to take speedy or-'der, That declaration of the same sentence 'and judgment be made and published by 'proclamation, and that thereupon direction 'be given for further proceedings against the 'said Scotish queen, according to the effect 'and true meaning of the said statute: Be-'cause upon advised and great consultation, 'we cannot find that there is any possible 'means to provide for your majesty's safety, 'but by the just and speedy execution of the 'said queen, the neglecting whereof may pro-'cure the heavy displeasure and punishment of 'Almighty God, as by sundry severe examples 'of his great justice in that behalf left us in 'the sacred scriptures doth appear. And if 'the same be not put in present execution, we 'your most loving and dutiful subjects shall 'thereby (so far as man's reason can reach) 'be brought into utter despair of the continu-'ance amongst us of the true religion of Al-'mighty God, and of your majesty's life, and 'the safety of all your faithful subjects, and 'the good estate of this most flourishing com-'monweal.'

The Queen, with great majesty of countenance and voice, answered to this purpose: 'So many and so great are the bottomless 'graces, and immeasurable benefits bestowed 'upon me by the Almighty, that I must not 'only most humbly acknowledge them as be-'nefits, but admire them as miracles, being in 'no sort able to express them. And though 'there liveth not any that may more justly ac-'knowledge himself bound to God than I,

'whose life he hath miraculously preserved 'from so many dangers, yet am I not more 'deeply bound to give him thanks for any one 'thing, than for this which I will now tell you, 'and which I account as a miracle: Namely, 'that as I came to the crown with the most 'hearty good-will of all my subjects, so now 'after 28 years reign, I perceive in them the 'same, if not greater good-will towards me; 'which if I once lose, well might I breathe, but 'never think I lived. And now though my 'life hath been dangerously shot at, yet I pro-'test there is nothing hath more grieved me, 'than that one not differing from me in sex, 'of like rank and degree, of the same stock, 'and most nearly allied unto me in blood, 'hath fallen into so great a crime. And so 'far have I been from bearing her any ill-will, 'that upon the discovery of certain treasona-'ble practices against me, I wrote unto her 'secretly, that if she would confess them by a 'private letter unto myself, they should be 'wrapped up in silence. Neither did I write 'thus in mind to entrap her, for I knew then 'as much as she could confess. And even 'yet, though the matter be come thus far, if 'she would truly repent, and no man would 'undertake her cause against me, and if my 'life alone depended hereupon, and not the 'safety and welfare of my whole people, I 'would (I protest unfeignedly) most willingly 'pardon her. Nay if England might by my 'death attain a more flourishing estate, and a 'better prince, I would most gladly lay down 'my life: For, for your sakes it is, and for my 'people's, that I desire to live. As for me, I 'see no such great cause why I should either 'be fond to live, or fear to die. I have had 'good experience of this world, and I know 'what it is to be a subject, and what to be a 'sovereign. Good neighbours I have had, 'and I have met with bad; and in trust I 'have found treason. I have bestowed bene-'fits upon ill deserters; and where I have 'done well, have been ill requited. While I 'call to mind these things past, behold things 'present, and expect things to come, I hold 'them happiest that go hence soonest. Ne-'vertheless against such mischiefs as these, I 'put on a better courage than is common to 'my sex, so as whatsoever befall me, death 'shall not take me unprepared.—And as 'touching these Treasons, I will not so preju-'dicate myself, or the laws of my kingdom, as 'not but to think that she having been the 'contriver of the same treasons, was bound 'and liable to the antient laws, though the late 'act had never been made; which notwith-'standing was no ways made to prejudice her. 'So far was it from being made to entrap her, 'that it was rather intended to forewarn and 'terrify her from attempting any thing against 'it. But seeing it was now in force of a law; 'I thought good to proceed against her ac-'cording to the same. But you lawyers are 'so curious in scanning the nice points of the 'law, and following of precedents and form, 'rather than expounding the laws themselves, 'that by exact observing of your form, she 'must have been indicted in Staffordshire, and 'have holden up her hand at the bar, and 'have been tried by a jury of twelve men. A 'proper course forsooth of trial against a prin-'cess! To avoid therefore such absurdities, 'I thought it better to refer the examination 'of so weighty a cause to a good number of 'the noblest personages of the land, and the 'judges of the realm; and all little enough. 'For we princes are set as it were upon stages, 'in the sight and view of all the world. The 'least spot is soon spied in our garments, 'a blemish quickly noted in our doings. It 'behoveth us therefore to be careful that our 'proceedings be just and honourable. But I 'must tell you one thing, that by this last act 'of parliament you have brought me to a nar-'row streight, that I must give order for her 'death, which is a princess most nearly allied 'unto me in blood, and whose practices against 'me have stricken me into so great grief, that 'I have been glad to absent myself from this 'parliament, lest I should increase my sorrow 'by hearing it spoken of, and not out of fear 'of any danger, as some think. But yet I will 'now tell you a secret (though it is well known 'that I have the property to keep counsel): 'It is not long since these eyes of mine saw 'and read an oath, wherein some bound them-'selves to kill me within a month: hereby I 'see your danger in me, which I will be very 'careful to avoid.—Your Association for my 'safety I have not forgotten, which I never so 'much as thought of, till a great number of 'hands, with many obligations, were shewed 'me; which as I do acknowledge as a strong 'argument of your true hearts, and great zeal 'to my safety, so shall my bond be stronger 'tied to a greater care for your good. But 'forasmuch as this matter now in hand is very 'rare, and of greatest consequence, I hope 'you do not look for any present resolution; 'for my manner is, in matters of less moment 'than this, to deliberate long upon that which 'is once to be resolved. In the mean time I 'beseech Almighty God to illuminate my 'mind, that I may foresee that which may 'serve for the good of his church, the prospe-'rity of the commonwealth, and your safety. 'And that delay may not breed danger, we 'will signify our resolution with all conveni-'ency. And whatever the best subjects may 'expect at the hands of the best princes, 'that expect from me to be performed to the 'full."

The twelfth day after when she had thoroughly weighed the matter in her mind, being distracted with doubtful care and thought, and as it were in some conflict with herself what to do in so important a business, she sent the Lord Chancellor to the higher house, and Puckering to the rest in the lower house; praying them to enter into a new consideration upon so weighty a matter, and to devise some better remedy, whereby both the queen of Scots Life

might be spared, and her own security provided for.

After much and long deliberation, they judging that both the welfare and hurt of the prince belongeth to all, concurred again with one voice in the same opinion, and that for these Causes: For that the queen's safety could not be secured as long as the queen of Scots lived, unless she either seriously repented and acknowledged her offence, or were kept with a more streight guard, good assurance being given by bond and oath for her good demeanour, or delivered hostages, or else departed the realm. As for her Repentance, they were out of all hope of it, considering that she had ill requited the queen which had saved her life, and did not yet acknowledge her fault. As for a surer guard, streighter custody, bonds, oath, and hostages, they held them all as nothing, for that the queen's life being once taken away, these would presently vanish. And if she should depart the realm, they feared lest she would presently take arms to invade the same.

These Reasons the Lord Chancellor, and Puckering, Speaker of the lower house, opened more at large, in the manner following.

"Unless execution of this just Sentence be done: 1. Your majesty's Person cannot any while be safe. 2. The Religion cannot long continue among us. 3. The most flourishing present state of this realm must shortly receive a woful fall. 4. And consequently, in sparing her, your majesty shall not only give courage and hardiness to the enemies of God, of your majesty's self and of your kingdom; but shall discomfort and daunt with despair the hearts of your loving people; and so deservedly provoke the heavy hand and wrath of God.

"And that summarily for the Reasons ensuing: I. For as much as concerns the Danger of your majesty: Both she and her favourers think she hath right, not to succeed, but to enjoy your crown in possession; and therefore as she is a most impatient competitor, (acquainted with blood) so will she not spare any means that may take you from us, being the only lett, that she enjoyeth not her desire.—She is hardened in malice against your royal person, notwithstanding that you have done her all favour, mercy, and kindness; as well in preserving her kingdom, as saving her life and honour.—And therefore there is no place for mercy, where there is no hope of amendment, or that she will desist from most wicked attempts.—The rather, for that her malice appeareth such as that she maketh, as it were, her testament of the same, to be executed after her death, and appointeth her executors to perform the same.—She affirmeth it lawful to move invasion: therefore, as of invasion victory may ensue, and of victory the death of the vanquished; so doth she not obscurely profess it lawful to destroy you.—She holds it not only lawful, but honourable also and meritorious, to take your life, &c. being deprived of your crown by her holy father, and therefore she will (as she hath continually done) seek it by all means whatsoever.—She is greedy of your death, and preferreth it before her own life: For in her late direction to some of her complices, she willed, 'Whatsoever became of her, the Tragical Execution should be performed on you.' There is by so much the more danger to your person since the sentence than before, by how much it behoveth them, that would preserve her or advance her, to hasten your death now or never before execution done upon her; as knowing that you, and none else, can give direction for her death, and that by your death the sentence would lose the force of execution, and otherwise they should come too late if they take not the present opportunity to help her.—Her friends hold invasion unprofitable while you live, and therefore in their opinion your death is first and principally to be sought, as the most compendious way to ruin the realm by invasion.—Some of the eldest and wisest papists set it down for a special good drift to occupy you with conceit, that the preservation of her life is the safety of your own; and therefore you may be assured, that they verily think that her life will be your death and destruction.—2. For as much as concerns Religion: It is most perilous to spare her, who hath continually breathed the overthrow and suppression of the same; being poisoned with popery from her tender youth, and at her age joining in that false-termed Holy-League, and ever since and now a professed enemy of the truth. She rested wholly upon popish hopes to be delivered and advanced, and so devoted and doted in that possession, that she will (as well for satisfaction of others, as feeding her own humour) supplant the gospel where and whensoever she may. Which evil is so much the greater, and the more to be avoided, as that it slayeth the soul, and will spread itself not only over England and Scotland, but also into all parts beyond the seas, where the gospel of God is maintained? The which cannot but be exceedingly weakened, if defection should be in these two most valiant kingdoms.—3. Forasmuch as concerns the happy Estate of this Realm: The Lydians say, *Unum Regem agnoscunt Lydii, duos autem tolerare non possunt*: so we say, *Unam Reginam Elizabetham agnoscunt Angli, duas autem tolerare non possunt.* And therefore, since she saith, that she is queen here, and we neither can nor will acknowledge any other but you to be our queen: it will follow, if she prevail, she will rather make us slaves, than take us for her children; and therefore the realm sigheth and groaneth under fear of such a step-mother. She hath already provided us a foster-father and a nurse, the pope and the king of Spain, into whose hands if it should misshappen us to fall, what can we else look for, but ruin, destruction, and utter extirpation of goods, lands, lives, honour and all?—Whilst she shall live, the enemies of the state will hope and gape after your death. By your death they trust to make invasion profitable for them; which cannot be, but the same

should be most lamentable for us: and therefore it is meet to cut off the head of that hope.—As she hath already, by her poisoned baits, brought to destruction more noblemen and their houses, and a great multitude of subjects, during her being here, than she would have done, if she had been in possession of her own country, and armed in the field against us; so will she still be continually cause of the like spoil, to the greater loss and peril of this estate: And therefore this realm neither can nor may endure her.—Her Secretaries do write and print, that we be at our wit's end, world's end, if she overlive your majesty; meaning thereby, that the end of our world is the beginning of theirs: and therefore, take her away, and their world will be at an end before it begin.—Since the sparing of her in the 14th year of your reign, popish Traitors and Recusants have multiplied exceedingly; and if you spare her now again, they will grow both innumerable and invincible also.—4. And therefore now in the fourth place:—Mercy in this case would in the end prove cruelty against all. *Nam est quædam crudelis Misericordia.* And therefore to spare her is to spill us. She is only a cousin to you in a remote degree, but we be the sons and children of this land; whereof you be not only the natural mother, but also the wedded spouse. And therefore much more is due from you to us all, than alone to her. It would exceedingly grieve and wound the hearts of your loving subjects, if they should see so horrible vice not condignly punished: if any be wavering, it will win them to the worser part, and many will seek to make their own peace. Wherefore as well for the comfort of the one, as stay of the other, and retaining of all, it is most needful that justice be done upon her.—Thousands of your loving subjects of all degrees, which have for special zeal of your safety made oath, before God, to pursue to death by all forcible and possible means, such as she is, by just sentence, found to be: cannot save their oaths, if you keep her alive; for then either we must take her life from her without direction, which will be to our extreme danger by the offence of your law; or else we must suffer her to live against our express oath, which will be to the uttermost peril of our own souls; wherewith no act of parliament, nor power of man whatsoever, can in any wise dispense. And therefore, seeing it resteth in you, by a most worthy and just execution of this sentence, to keep us upright and free us in both, we most humbly and earnestly beseech you, that speedy justice be done upon her, whereby yourself may be safe, the state of your realm preserved, and we not only delivered from this trouble of conscience, but also recomforted to venture ourselves, and all ours, into whatsoever other peril, for the preservation and safety of you.—Lastly, God's vengeance against Saul for sparing Agag, against Ahab for sparing the life of Benhadad, is apparent; for they were both by the just judgment of God deprived of their kingdom, for sparing those wicked princes, whom God had delivered into their hands of purpose to be put to death by them, as by the ministers of his eternal and divine justice.—How much those magistrates were commended, that put to death those mischievous and wicked queens, Jezebel and Athaliah!—How wisely proceeded Solomon to punishment, in putting to death his own natural and elder brother Adonias, for the only intention of a marriage, which gave suspicion of treason! Whereas there is no more desired of your majesty, than the very pope, (now your sworn enemy) some of these late conspirators, and this wicked lady herself, have thought fitting to fall upon her. He in like case gave Sentence, *Vita Conradini, mors Carolo; mors Conradini, vita Carolo.* They in their best minds and remorse of conscience setting down the best means of your safety, said, 'He that hath no arms cannot fight, and he that hath no legs cannot run away, but he that hath no head' can do no harm. *Pisces primum a capite fœtent.*' She by her voluntary subscribing to the late Association, &c. gave this sentence against herself.—And after in her letters of these treasons to Babington, wrote, 'That if she were discovered, it would give sufficient cause to you to keep her in continual close Prison.' By which words she could mean nothing else but pains of death.—Therefore we seeing on the one side how you have, to the offence of mighty princes, advanced religion, with what tender care, and more than motherly piety you have always cherished us the children of this land, with what honour and renown you have restored the antient rights of the crown, with what peace and justice you have governed, and with what store and plenty you have reigned over us:—On the other side, seeing that this enemy of our felicity seeks to undermine our religion, to supplant us, and plant strangers in the place, to transfer the rights of the crown to that Italian priest, and the crown to herself, or to some other, from you; and therefore lieth in continual wait for to take away your life:—Therefore we pray you, for the cause of God, his church, this realm, ourselves and yourself; that you will no longer be careless of your life or sovereign safety; nor longer suffer religion to be threatened, the realm to stand in danger, nor us to dwell in fear: But as Justice hath given rightful sentence, so you will grant execution: That as her life threateneth your death, so her death may, by God's favour, prolong your life; and that this evil being taken away from the earth, we may praise God for our deliverance, and pray him for our continuance; and with the psalmist say, *Dominus fecit Judicium*, and, 'The ungodly is trapped in the works of her own hand.' And so pray God to incline your heart to our just desires, &c."—They concluded, that as it were injustice to deny execution of law to any one of her subjects that should demand it, so much more, to her whole people of England, with one voice and mind making humble and instant suit for the same.

The Queen then spake in this manner;

'Full grievous is that way, whose going on, 'and end, yield nothing but cumber for the 'hire of a laborious journey. I have this day 'been in greater conflict with myself, than 'ever in all my life, whether I should speak, 'or hold my peace. If I speak and not com- 'plain, I shall dissemble: and if I should be 'silent your labour taken were all in vain. If 'I should complain, it might seem strange and 'rare; yet I confess that my most hearty de- 'sire was, that some other means might have 'been devised to work your security and my 'safety, than this which is now propounded. 'So as I cannot but complain, though not of 'you, yet unto you; that I perceive by your 'petitions, that my safety dependeth wholly 'upon the death of another. If there be any 'that think I have prolonged the time of pur- 'pose to make a counterfeit shew of clemency, 'they do me the most undeserved wrong, as 'He knoweth, which is the searcher of the 'most secret thoughts of the heart. Or, if 'there be any that be persuaded, that the 'commissioners durst not pronounce other 'sentence, as fearing thereby to displease me, 'or to seem to fail of their care for my safety, 'they but heap upon me most injurious con- 'ceits. For either those, whom I have put in 'trust, have failed of their duties, or else they 'signified unto the commissioners in my name, 'that my will and pleasure was, that every one 'should deal freely according to his conscience, 'and what they would not openly declare, that 'they should reveal unto me in private. It 'was of my most favourable mind towards her, 'that I desired some other means might be 'found out to prevent this mischief. But 'since now it is resolved, that my surety is, 'most desperate without her death, I have a 'most inward feeling of sorrow, that I, which 'have in my time pardoned so many rebels, 'winked at so many treasons, or neglected 'them with silence; must now seem to shew 'cruelty upon so great a princess.—I have, 'since I came to the crown of this realm, 'seen many defamatory Books and Pamphlets 'against me, accusing me to be a tyrant; well 'fare the writers hearts, I believe their meaning 'was to tell me news: and news indeed it was 'to me, to be branded with the note of ty- 'ranny: I would it were as great news to hear 'of their impiety. But what is it which they 'will not write now, when they shall hear that 'I have given consent, that the executioner's 'hands shall be imbrued in the blood of my 'nearest kinswoman? But so far am I from 'cruelty, that to save mine own life, I would 'not offer her violence; neither have I been 'so careful how to prolong mine own life, as 'how to preserve both: which that it is now 'impossible, I grieve exceedingly. I am not 'so void of judgment, as not to see mine own 'perils before mine eyes; nor so mad, to 'sharpen a sword to cut mine own throat; 'nor so careless, as not to provide for the 'safety of mine own life. But this I consider 'with myself, that many a man would put his 'own life in danger to save a princess's life. 'I do not say, so will I; yet have I many times 'thought upon it.—But seeing so many have 'both written and spoken against me, give me 'leave, I pray you, to say somewhat in mine 'own defence, that ye may see what manner 'of woman I am, for whose safety you have 'passed such careful thoughts; wherein as I 'do with most thankful heart consider your 'vigilant care, so am I sure I shall never re- 'quite it, had I as many lives as you all.— 'When first I took the scepter, I was not un- 'mindful of God the giver, and therefore began 'my reign with his service, and the religion I 'had been both born in, bred in, and I trust 'shall die in. And though I was not ignorant 'how many perils I should be beset withal at 'home for altering religion, and how many great 'princes abroad, of a contrary profession, would 'attempt all hostility against me; yet was I no 'whit dismayed, knowing that God, whom only 'I respected, would defend both me and my 'cause. Hence it is, that so many treacheries 'and conspiracies have been attempted against 'me, that I rather marvel that I am, than 'muse that I should not be, were it not that 'God's holy hand hath protected me beyond 'all expectation. Then to the end I might 'make the better progress in the art of swaying 'the sceptre, I entered into long and serious 'cogitation what things were worthy and fitting 'for kings to do: and I found it most neces- 'sary that they should be abundantly furnished 'with those special virtues, justice, temperance, 'prudence, and magnanimity. As for the 'two latter, I will not boast myself, my sex 'doth not permit it: but for the two former, 'I dare say, (and that without ostentation) I 'never made a difference of persons, where 'right was one; I never preferred for favour, 'whom I thought not fit for worth; I never 'bent my ear to credit a tale that was first 'told, nor was so rash to corrupt my judgment 'with prejudice, before I heard the cause. I 'will not say but many reports might haply be 'brought me in too much favour of the one 'side or the other; for we princes cannot 'hear all ourselves: yet this I dare say boldly, 'my judgment went ever with the truth ac- 'cording to my understanding. And as full 'well Alcibiades wished his friend, not to give 'any Answer till he had run over the letters of 'the alphabet; so have I not used rash and 'sudden resolutions in any thing.—And there- 'fore as touching your counsels and consulta- 'tions, I acknowledge them to be so careful, 'provident and profitable for the preservation of 'my life, and to proceed from minds so sincere, 'and to me most devoted, that I shall endea- 'vour myself all I can, to give you cause to 'think your pains not ill-bestowed, and strive 'to make myself worthy of such subjects.

'And now for your Petition, I pray you for 'this present to content yourselves with an 'Answer without Answer. Your Judgment I 'condemn not, neither do I mistake your 'Reasons, but pray you to accept my thank-

'fulness, excuse my doubtfulness, and take in 'good part my answer answerless. If I should 'say, I would not do what you request, I might 'say perhaps more than I think: and if I should 'say I would do it, I might plunge myself into 'peril, whom you labour to preserve; which 'in your wisdoms and discretions ye would not 'that I should, if ye consider the circumstances 'of place, time, and the manners and condi-'tions of men.'

After this, the Assembly of the Estates was prorogued.

About that time were lord Buckhurst and Beale sent to the queen of Scots, to signify unto her that Sentence was pronounced against her; that the same was approved and confirmed by act of parliament, as most just, and the Execution thereof instantly sued for by the Estates, out of a due regard of justice, security and necessity: and therefore to persuade her to acknowledge her Offences against God and the queen, and to expiate them before her death by repentance: letting her understand, that as long as she lived, the received Religion in England could not subsist. Hereat she seemed with a certain unwonted alacrity to triumph, giving God thanks, and rejoicing in her heart that she was holden to be an instrument for the re-establishing of Religion in this island. And earnestly she prayed, that she might have a Catholic priest to direct her conscience, and minister the Sacraments unto her. A bishop and a dean whom they commended unto her for this use, she utterly rejected, and sharply taxed the English nation, saying often, That the English had many times slaughtered their kings; no marvel therefore, if they now also shew their cruelty upon me, that am issued from the blood of their kings.

Commission for the Execution of the Queen of Scots.

The publication of the Sentence was stayed a while by the intercession of L'Aubespine the French ambassador;* but in the month of December, through the earnest instance of some courtiers, it was publicly proclaimed all over the city of London, the lord mayor, the aldermen, and principal officers and citizens being present, and afterward throughout the whole realm. In the Proclamation the queen seriously protested, that this publication was extorted from her not without exceeding grief of mind, out of a certain necessity, and the most vehement prayers and obtestations of the Estates of the Realm; though there were, which thought this to proceed of women's cunning, who though they much desire a thing, yet will always seem rather to be constrained unto it.† Afterwards, on February the 1st, a Commission passed the Great Seal for her Execution, which was as follows:

'Elizabeth, by the grace of God, queen of

* See the French Ambassador's (Bellevre) Speech to queen Elizabeth. Thuan. Histor. lib. 86, p. 157. Genev. Edit.

† Bishop Warburton writes to Hurd (March 3, 1759), "You will be amused with a very extraordinary Letter of Mary to Elizabeth at p. 558 of Murdin's State Papers, and I dare say you will not think it one of the least causes of the fatal catastrophe which soon followed." This Letter here follows:

A Letter from the Queen of Scots to Queen Elizabeth.

SUIVANT ce que je Vous ay promis et auvez despuis desire, je vous declare ores, qu'aveques regret, que telles choses soyent ammenees en question, mays tres sincerement et sans auqune passion, dont japelle mon Dieu a tesmoing, que la Comptesse de Schreusbury madit de Vous ce qui suit au plus pres de ces Termes. A la plus part de quoy je proteste avoir respondu, reprenant la ditte dame de croire ou parler si lisientieusement de Vous, comme chose que je ne croy ois point, ni croy a present, congnoissant le Naturel de la Comptesse et de quel esprit elle estoit alors poulssee contre vous. Premierement, qu'un, auquel elle disoit que vous aviez faict promesse de mariage devant une Dame de vostre chambre, avoit cousche infinies foys auvesques Vous avec toute la licence et privaulte qui se peut user entre Mari et famme; Mays qu'indubitablement Vous nestiez pas comme les aultres fammes, et pour ce respect cestoit follie a touz ceulx qui affectoient vostre Mariage avec Monsieur le Duc d' Anjou, d'aultant qu'il ne ce pourroit accomplir; et que Vous ne vouldriez jamays perdu la liberte de Vous fayre fayre l'amour et auvoir vostre plesir tousjours auveques nouveaulx amoureulx, regretant ce, disoit elle, que l'ous ne vous contentiez de Maister Haton, et un aultre de ce Royaulme; mays que pour l'honneur du pays il luy faschoit le plus, que vous aviez non seullement engasge vostre honneur auveques un estrangier Nommè Simier, l'alant trouver de nuit en la chambre dune dame, que la dicte Comptesse blasmoit fort a ceste occasion la, ou Vous le baisiez et usiez auvec luy de diverses privaultes deshonnestes; mays aussi luy revelliez les segretz du Royaulme, trahisant vos propres Counseillers avvesques luy: Que Vous vous estiez desportee de la mesme dissolution avec le Duc son Maystre, qui vous avoit este trouver une nuit à la porte de vostre chambre, ou vous laviez rancontre auvec vostre seulle chemise et manteau de nuit, et que par apres vous laviez laisse entrer, et qu'il demeura avveques Vous pres de troys heures. Quant au dict Haton, que vous le couriez a force, faysant si publiquement paroitre l'amour que luy portiez, qui luy mesmes estoit contreint de s'en retirer, et que Vous donnastes un soufflet a Kiligreu pour ne vous avoir ramene le dict Haton, que vous avviez envoiay rappeller par luy, s'etant desparti en chollere d'auveques vous pour quelques injures que luy auviez dittes pour certeins boutons dor qu'l auvoit sur son habit. Qu'elle auvoit travaille de fayre espouser au dit Haton, la feu Comtesse de Lenox sa fille, mays que de creinte de Vous,

'England, France and Ireland, &c. To our 'trusty and well-beloved cousins, George earl 'of Shrewsbury, earl marshal of England; 'Henry earl of Kent: Henry earl of Derby; 'George earl of Cumberland; and Henry earl 'of Pembroke, greeting, &c. Whereas sithence 'the Sentence given by you, and others of our 'council, nobility and judges, against the queen 'of Scots, by the name of Mary, the daughter 'of James 5, late king of Scots, commonly 'called the queen of Scots, and dowager of 'France, as to you is well known; all the

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il ne osoit entendre; que mesme le Comte d'Oxford nosoit ce rappointer auveques sa famme de peur de perdre la faveur qu'il esperoit recepvoir par vous fayre l'amour: Que vous estiez prodigue envers toutes telles gens et ceulx qui ce mesloient de telles mesnees, comme a un de Vostre Chambre Gorge, auquel Vous avviez donne troys centz ponds de rante pour vous avvoir apporte les nouvelles du retour de Halton: Qu'a toutz aultres Vous estiez fort ingrate chische, et qu'il ni avoit que troys ou quatre en vostre Royaulme a qui Vous ayez jamays faict bien: Me conseillant, en riant extresmement, mettre mon filz sur les rancs pour vous fayre l'amours, comme chose qui me serviroit grandement et metroit Monsieur le Duc hors de quartier; qui me seroit tres prejudisiable si il i continuoit; et lui repliquant, que cela seroit pris pour une vraye moquerie, elle me respondit que Vous estiez si vayne et en si bonne opinion de vostre beaute, comme si vous estiez quelque deesse du ciel; qu'elle prandroit sur la teste de le vous fayre croire facillement et entretiendroit mon filz en ceste humeur; Que Vous preniez si grand plesir en flateries hors de toute rayson, que l'on vous disoit, comme de dire, qu'on ne vous osoit par foys reguarder a plain, d'aultant que vostre face luysoit comme le Soleill: Qu'elle et toutes les aultres Dames de la Court estoints contreintes d'user, et qu'en son dernier voyage vers Vous, Elle et la feu Comptesse de Lenox parlant a Vous n'osoient s'entreregarder l'une et l'autre de peur de s'eclater de rire des cassades quelle vous donnoint, me priant a son retour de tancer sa fille quelle n'avoyt jamays sceu persuader de fayre le mesme; et quant a sa fille Talbot, elle s'assuroit qu'elle ne fauldroit jamays de vous rire au nez; la dicte dame Talbot lors quelle vous alla fayre la reverance et donne le ferment comme l'une de voz servantes, a son retour imediatement, me le contant comme une chose fayte en moquerie, me pria de l'accepter pareill, may plus ressent et entier vers moy, du quel je feiz long tems refus; mays a la fin a force de larmes je la laissay faire, disant quelle ne vouldroit pour chose du monde estre en vostre service pres de vostre personne, d'autant quelle auroit peur que quand seriez en cholere ne luy fissies comme a sa cousine Skedmur, a qui vous auviez rompu un doibt, faciant a croire a ceulx de la court, que cestoit un chandelier qui estoit tombe dessubz; et qu'a une aultre vos servant a talle auviez donne un grand coup de cousteau sur la mayn: Et en un mot, pour ces derniers pointz et communs petitz raportz, Croyez que vous estiez jouee et contrefaicte par elles comme en commedie entre mes famines mesmes; ce qu'apercevant, je vous jure que je deffendis a mes famines ne ce plus mesler. Davantasge, la dicte Comtesse ma autrefoys advertie que Vovs voulliez appointer Rolson pour me fayre l'amour et essayer de me deshonorer, soyt en effect ou par mauvais bruit, de quoy il avoyt instructions de vostre bousche propre: Que Ruxby veint ici, il i a environ VIII ans, pour atempter a ma vie, ayant parle a vous mesmes, qui luy auviez dit quil fit ce a que Walsingham luy commenderoit et dirigeroit. Quant la dicte Comtesse poursuivoit le mariage de son filz Charles auveques une des niepeces du Milord Paget, et que daultre part Vous voulliez lavoir par pure et absolue aucthorite pour un des Knoles, pour ce quil estoit vostre parent; elle crioit fort contre vous, et disoit que cestoit une vraye tirannie, voulant a vostre fantasie enlever toutes les heritieres du pays, et que vous aviez indignement use le dit Paget par parolles injurieuses; mays qu'enfin la Noblesse de ce Royaume ne le vous soufrisoit pas mesmement, si vous adressiez a telz aultres quelle connoissoit bien. Il y a environ quatre ou sing ans que Vous estant malade et moy ausi au mesme temps, elle me dit, que vostre Mal provenoit de la closture d'une fistulle que vouz aviez dans une jambe; et que sans doubte venant a perdre voz moys, Vous mourriez bien tost, s'en resjouissant sur une vayne imagination quelle a eue de long temps par les predictions d'un nomme Jon Lenton, et d'un vieulx liuvre qui prediroit vostre mort par violence, et la succession dune aultre Royne, quelle interpretoit eftre moy, regretant seullement que par le dit liuvre il estoit predit que le Royne qui vous deubroit succeder ne regneroit que trois ans, et mouroit comme vous, par violance, ce que estoit represente mesme en peinture dans le dit liuvre, auquel il y avoyt un dernier feuillet, le contenu duquel elle ne ma jamais voulou dire. Elle scait elle mesme que jay tousjours pris cela pour une pure follie, mays elle fesoit bien son compte destre la premiere aupres de moy, et mesmement que mon filz epouseroit ma niepce Arbela. Pour la fin je vous jure encores un coup sur ma foy et honneur que ce que desubz est tres veritable; et que de ce qui conserne vostre honneur, il ne mest jamays tombe en l'entendement de vous fayre tort par le reveller; e qu'il ne ce scaura jamays par moy, le tenant pour tres faulx. Si je puis avoir cest heur de parler a vous, je vous diray plus particulierement les moys, tems, lieux et aultres sircostances pour vous fayre congnoistre la verite et de cessi et d'aultres choses que je reserve, quant je seray tout a fayct asseurce de vostre amitie, laquelle comme je desire plus que jamays, aussi si je la puis ceste foys obtenir, vous neustes jamays parente, amy, ny mesmes subject, plus fidelle et affectionnee que je vous seray. Pour

'States in the last Parliament assembled, did 'not only deliberately, by great advice, allow 'and approve the same Sentence as just and 'honourable, but also with all humbleness and 'earnestness possible, at sundry times require, 'solicit, and press us to direct such further 'Execution against her person, as they did 'adjudge her to have daily deserved; adding 'thereunto, that the forbearing thereof was, 'and would be daily certain and undoubted 'danger, not only unto our own life, but also 'unto themselves, their posterity, and the pub-'lic estate of this realm, as well for the cause 'of the gospel, and true religion of Christ, as 'for the peace of the whole realm: where-'upon we did, although the same were with 'some delay of time, publish the same Sen-'tence by our Proclamation, yet hitherto have 'forborn to give direction for the further satis-'faction of the aforesaid most earnest requests, 'made by our said states of our parliament, 'whereby we do daily understand, by all sorts 'of our loving subjects, both of our nobility 'and council, and also of the wisest, greatest, 'and best devoted of all subjects of inferior 'degrees, how greatly and deeply, from the 'bottom of their hearts, they are grieved and 'afflicted with daily, yea hourly fears of our 'life, and thereby consequently with a dreadful 'doubt and expectation of the ruin of the pre-'sent happy and godly estate of this realm, if 'we should forbear the further final execution 'as it is deserved, and neglect their general and 'continual requests, prayers, counsels and 'advices. And thereupon contrary to our na-'tural disposition in such case, being overcome 'with the evident weight of their counsels, and 'their daily intercessions, importing such a ne-'cessity, as appeareth directly tending to the 'safety not only of ourself, but also to the 'weal of our whole realm, we have conde-'scended to suffer Justice to take place; and 'for the Execution thereof, upon the special 'trusty experience and confidence which we 'have of your loyalties, faithfulness and love, 'both toward our person and the safety thereof, 'and also to your native countries, whereof 'you are most noble and principal members; 'We do will, and by Warrant hereof do autho-'rize you, as soon as you shall have time con-'venient, to repair to our Castle of Fother-'ingay, where the said queen of Scots is in 'custody of our right trusty and faithful ser-'vant and counsellor, sir Amias Powlet, knt. 'and then taking her into your charge, to 'cause by your commandment Execution to be 'done upon her person, in the presence of 'yourselves, and the aforesaid sir Amias Powlet, 'and of such other officers of justice as you 'shall command to attend upon you for that 'purpose; and the same to be done in such 'manner and form, and at such time and place, 'and by such persons, as to five, four or three 'of you, shall be thought by your discretions 'convenient, notwithstanding any law, statute or 'ordinance to the contrary. And these our 'letters patent sealed with our great seal of 'England, shall be to you, and every of you, 'and to all persons that shall be present, or 'that shall be, by you, commanded to do any 'thing appertaining to the aforesaid Execution, 'a full sufficient Warrant, and Discharge for 'ever. And further, we are also pleased and 'contented, and hereby we do will, command 'and authorize our Chancellor of England, at 'the requests of you all, and every of you, that 'the duplicate of our Letters Patent, be to all 'purposes made, dated and sealed with our 'great Seal of England, as these presents 'now are: In witness whereof, we have 'caused these our letters to be made patent. 'Yeoven at our manor of Greenwich, the 1st 'day of February, in the 29th year of our reign.'

Queen Elizabeth's Letter directed to Sir Amias Powlet, knt. Keeper of the Queen of Scots, at the Castle of Fotheringay.

Amias, my most faithful servant, God reward thee treble-fold in the double of thy most troublesome charge so well discharged: if you knew, my Amias, how kindly, besides dutifully, my grateful heart accepts your double labours, and faithful actions, your wise orders, and safe regards, performed in so dangerous a charge, it would ease your travel, and rejoice your heart, in that I cannot balance, in any weight of my judgment, the value that I prize you at, and suppose no treasure to countervail such faith; and shall condemn myself, in that thought I never committed, if I reward not such deserts; yea, let me lack when I most need, if I acknowledge not such a merit with a reward, not *omnibus datum;* but let your wicked murderess know, how with hearty sorrow her vile deserts compel these orders; and bid her from me, ask God forgiveness for her treacherous dealing against my life many years, to the intolerable peril of her own: and yet not content with so many forgivenesses, but must fall again so horribly, far passing a woman's thought, much less a princess's; instead

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Dieu asseurez Vous de celle qui vous veult et peult Servir. De mon lit forcant mon bras et mes douleurs pour vous satisfayre et obeir.

Marie *R*

N. B. This Letter from the Queen of Scots is thought to be the same which Mr Carte refers to in his History of England, vol. iii. page 828, published 1752: The Concealment and Discovery of which, as there represented, is entirely unsupported from any Evidence that is come to my knowledge. The Letter itself, in the Original, I found open amongst the other papers of the earl of Salisbury's Library, without any appearance of design to have it secreted. And the manner in which it was discovered, as Mr. Carte affirms upon the testimonies by him referred to, is a circumstance absolutely unknown to any one person in my lord Salisbury's family, as far as I can learn from the strictest enquiry I have made concerning it.

of excusing whereof, not one can serve it, being so plainly confessed by the author of my guiltless death. Let repentance take place, and let not the fiend possess her, so that the better part be lost, which I pray with hands lifted up to him, that can both save and spill, with my most loving adieu, and prayer for thy long life, your assured and loving sovereign, as heart, by good desert, indureth, Elizabeth, *Regina.*

Queen Mary's Execution.

In pursuance of this Commission, she was executed the 8th day of February following, in which queen Elizabeth afterwards pretended she was surprized; the manner whereof is thus related by Camden. *

Queen Elizabeth, after some hesitation, having delivered a Writing to Davison, one of her Secretaries, signed with her own hand, commanding a Warrant under the great seal of England to be drawn up for the Execution, which was to lie in readiness in case of any dangerous Attempt upon queen Elizabeth, commanded him to acquaint no man therewith; the next day the queen changed her mind, and commanded Davison by Killegrew that the Warrant should not be drawn. Davison came presently to the queen, and told her that it was drawn and under seal already; at which she was somewhat moved, and blamed him for making such haste.† He notwithstanding acquainted the Council both with the Warrant and the whole matter, and easily persuaded them who were apt to believe what they desired, that the queen had commanded it should be executed. Hereupon without any delay Beale, who in respect of religion was the queen of Scots most bitter adversary, was sent down with one or two Executioners, and a Warrant, wherein authority was given to the earls of Shrewsbury, Kent, Derby, Cumberland, and others, to see Execution done according to law; and this without the queen's knowledge. And though she at that very time told Davison, that she would take another course, yet did not he for all that call Beale back.

As soon as the earls were come to Fotheringay, they, together with sir Amias Powlet, and sir Drew Drury, to whose custody the queen of Scots was committed, came to her, and told her the cause of their coming, reading the Warrant, and in few words admonished her to prepare herself for Death, for she was to die the next day. She undauntedly, and with a composed spirit, made this Answer; 'I did 'not think the queen, my sister, would have 'consented to my death, who am not subject 'to your law and jurisdiction: but seeing her 'pleasure is so, Death shall be to me most 'welcome; neither is that soul worthy of the 'high and everlasting joys above, whose body 'cannot endure one stroke of the executioner.'

She desired she might have Conference with her Almoner, her Confessor, and Melvin, the Master of her Household: for her Confessor, it was flatly denied that he should come at her; and the earls recommended to her the bishop, or the dean of Peterborough, to comfort her; whom she refusing, the earl of Kent, in a hot burning zeal to religion, broke forth into these words among other speeches: 'Your life will 'be the death of our Religion, as contrariwise 'your death will be the life thereof.' Mention being made of Babington, she constantly denied his Conspiracy to have been at all known to her, and the revenge of her wrong she left to God. Then enquiring what was become of Naw and Curle; she asked whether it were ever heard of before, that servants were suborned and accepted as Witnesses against their master's life?

When the earls were departed, she commanded supper to be hastened, that she might the better dispose of her concerns. She supped temperately, as her manner was; and seeing her servants, both men and women, weeping and lamenting as she sat at supper, she comforted them with great courage and magnanimity, bad them leave mourning, and rather rejoice, that she was now to depart out of a world of miseries. Turning to Burgoin, her physician, she asked him whether he did not now find the force of Truth to be great: 'They say,' quoth she, 'that I must die, be-'cause I have plotted against the queen's life; 'yet the earl of Kent tells me, there is no 'other cause of my death, but that they are 'afraid for their Religion because of me; neither 'hath my offence against the queen, but their 'fear because of me, drawn this end upon me, 'while some, under the colour of Religion, and 'the public good, aim at their own private 'respects and advantages.'

Towards the end of supper she drank to all her servants, who pledged her in order upon their knees, mingling tears with the wine, and begging pardon for their neglect of their duty; as she also in like manner did of them.—After supper she perused her Will, read over the Inventory of her Goods and Jewels, and wrote down the Names of those, to whom she bequeathed every particular. To some she distributed money with her own hand. To her Confessor she wrote a Letter, that he would make intercession for her to God in his prayers. She wrote also letters of recommendation for her servants to the French king and the duke of Guise. At her wonted time she went to bed, slept some hours; and then waking, spent the rest of the night in prayer.

The fatal day being come, which was the 8th of February, she dressed herself as gorgeously, as she was wont to do upon festival days, and

* Camd. Eliz. p. 382.

† This seems to have been one of that queen's artifices in order to excuse herself to the king of Scots; and though, to put the better colour upon it, she afterwards sacrificed her Secretary, yet the whole affair was (very probably) transacted with her knowledge and approbation, for which, see Davison's Apology in Camden. For the Proceedings against Davison, See No. 65 of the present Volume.

calling her servants together, commanding her Will to be read; prayed them to take their legacies in good part, for her ability would not extend to giving them any greater matters.

Then fixing her mind wholly upon God in her Oratory, or ordinary place of prayer, with sighs and groans, and prayers, she begged his Divine Grace and favour, till such time as Thomas Andrews, sheriff of the county, acquainted her, that she must now come forth: And forth she came with state, countenance and presence majestically composed; a chearful look, and a matron-like and modest habit; her head covered with a linen veil, and that hanging down to the ground, her prayer-beads hanging at her girdle, and carrying a crucifix of ivory in her hands.—In the porch she was received by the earls and other noblemen, where Melvin, her servant, falling upon his knees, and pouring forth tears, bewailed his hard hap, that he was to carry into Scotland the woeful tidings of the unhappy fate of his lady and mistress: She thus comforted him, 'Lament not, 'but rather rejoice, thou shalt by-and-by see 'Mary Stuart freed from all her cares. Tell 'them, that I die constant in my Religion, and 'firm in my fidelity and affection towards Scot-'land and France. God forgive them, who 'have thirsted after my blood, as harts do after 'the fountain! Thou, O God! who art Truth 'itself, and perfectly and truly understandest 'the inward thoughts of my heart, knowest how 'greatly I have desired that the kingdoms of 'England and Scotland might be united into 'one. Commend me to my son, and assure 'him, that I have done nothing, which may be 'prejudicial to the kingdom of Scotland; ad-'monish him to hold in amity and friendship 'with the queen of England; and see thou do 'him faithful service.'

And now the tears trickling down, she bade Melvin several times farewell, who wept as fast as she. Then turning to the earls, she prayed them that her servants might be civilly dealt withal: That they might enjoy their Legacies, that they might stand by her at her Death, and might be sent back into their own country with letters of safe conduct. The former request they granted, but that they should stand by her at her death, the earl of Kent shewed himself somewhat unwilling, fearing some superstition. 'Fear it not,' said she, 'These harmless 'souls desire only to take their last farewel of 'me: I know my sister Elizabeth would not 'have denied me so small a matter, that my 'women should be then present, were it but for 'the honour of the female sex. I am her near 'kinswoman, descended from Henry 7, queen 'dowager of France, and anointed queen of 'Scots.'

When she had said this, and turned herself aside, it was at last granted, that such of her servants as she should name should be present. She named Melvin, Burgoin her physician, her apothecary, her surgeon, two waiting women, and others, of whom Melvin bore up her train. So the gentlemen, two earls and the sheriff going before her, she came to the scaffold, which was built at the upper end of the Hall, on which was placed a chair, a cushion, and a block, all covered with black cloth. As soon as she was set down, and silence commanded, Beale read the Warrant: She heard it attentively, yet as if her thoughts were taken up with somewhat else. Then Fletcher, dean of Peterborough, began a long Speech to her touching the Condition of her Life past, present, and to come. She interrupted him once or twice as he was speaking, prayed him not to trouble himself, protesting that she was firmly fixed and resolved in the ancient Catholic Roman Religion, and for it was ready to shed her last blood. When he earnestly persuaded her to true repentance, and to put her whole trust in Christ by an assured faith; she answered, That in that religion she was both born and bred, and now ready to die. The earls said they would pray with her; to whom she said, that she would give them hearty thanks, if they would pray for her: but to join, said she, in prayer with you, who are of another profession, would be in me a heinous sin. Then they appointed the dean to pray; with whom while the multitude that stood round about were praying, she fell down upon her knees, and holding the Crucifix before her in her hands, prayed in Latin, with her servants, out of the office of the Blessed Virgin Mary.

After the Dean had made an end of praying, she in English recommended the church, her son, and queen Elizabeth to God, beseeching him to turn away his wrath from this island, and professing, that she reposed her hope of Salvation in the blood of Christ: lifting up the Crucifix, she called on the Celestial Choir of Saints to make intercession to him for her: She forgave all her enemies, and kissing the Crucifix, and signing herself with the Cross, she said, 'As thy arms, O Christ! were spread 'out upon the cross, so receive me with the 'stretched-out arms of thy mercy, and forgive 'my sins.' Then the executioners asked her forgiveness, which she granted them. And when her women had taken off her upper garments (which she was eager and hasty to have done), wailing and lamenting the while, she kissed them; and signing them with the Cross, with a chearful countenance bid them forbear their womanish lamentations, for now she should rest from all her sorrows. In like manner turning to her men servants, who also wept, she signed them with the Cross, and smiling, bade them farewel. And now having covered her face with a linen handkerchief, and laying herself down to the block, she recited the Psalm, 'In thee, O Lord! do I put my trust, let me 'never be confounded.' Then stretching forth her body, and repeating many times, 'Into thy hands, O Lord! I commend my Spirit,' her head was taken off at two strokes: The Dean crying out, 'So let queen Elizabeth's 'enemies perish;' the earl of Kent answering Amen, and the multitude sighing and sorrowing. Her body was embalmed and ordered

with due and usual rites, and afterwards interred with a royal funeral in the cathedral church of Peterborough. A pompous obsequy was also performed for her at Paris, by procurement of the Guises.

The news of Mary's execution, says Rapin, being brought to Elizabeth, she appeared extremely concerned at it. Sighs, tears, lamentation and mourning were the signs she gave of her grief, which seemed immoderate. She drove the Privy Counsellors from her presence, and commanded them to be examined in the Star-Chamber, and Davison to be tried for his life for his disobedience. A few days after she sent the following letter to the king of Scotland (afterwards king James I. of England), by Robert Cary:

'My dearest Brother;

'I would to God thou knewest (but not that 'thou feltest) the incomparable grief my mind 'is perplexed with, upon this lamentable acci-'dent, which is happened contrary to my mean-'ing and intention, which, since my pen trem-'bles to mention it, you shall fully understand 'by this my kinsman.* I request you, that as 'God and many others can witness my inno-'cence in this matter, so you will also believe, 'that if I had commanded it, I would never 'deny it. I am not so faint-hearted, that for 'terror I should fear to do the thing that is 'just, or to own it when it is once done; no, I 'am not so base and ignobly minded. But as 'it is no princely part, with feigned words to 'conceal and disguise the real meaning of the 'heart; so will I never dissemble my actions, 'but make them appear in their true and pro-'per colours. Persuade yourself this for truth, 'that as I know this has happened deservedly 'on her part, so if I had intended it, I would 'not have laid it upon others; but I will never 'charge myself with that which I had not so 'much as a thought of. Other matters you 'shall understand by the bearer of this letter. 'As for me, I would have you believe there is 'not any which loves you more dearly, or takes 'more care for the good of you and your af-'fairs. If any man would persuade you to 'the contrary, you may conclude he favours 'others more than you. God preserve you 'long in health and safety.'

The following Report of the Evidence against the Queen of Scots at Fotheringay, and the confession of her Secretaries afterwards in the Star Chamber, being more full and satisfactory than any other which is in print, is here given from the Hardwicke State Papers.

* He was kin to her by Ann Bullen her mother.

Evidence against the Queen of Scots.

[*Extracted from the Hardwicke State Papers, vol. 1. p. 224.*]

Die Martis xxv Octobris 1586.

The Commissioners being all (except the earls of Shrewsbury and Warwick, and sir Amias Paulet), assembled within the Star Chamber, a recapitulation was made by her majesty's Privy Council, of all such proofs as had been made against the Scots queen, before them at Fotheringay, &c. After which Nau and Curle were brought personally before the Commissioners, and, in their presences, did avow and maintain all their Confessions, Examinations, and Subscriptions to be true, in such manner and form, as they have written and made the same. And they did, then and there, expressly affirm and maintain, That the Scots queen had received and read Babington's Letters, and that, by her direction and express commandment, the Answer unto all the points thereof, was returned unto Babington in her name, according as in the Letter is set down.—Also, that, the same 12th of July, she did write to the lord Paget, to Charles Paget, to Mendoza, to sir Francis Inglefield, and to the archbishop of Glascow, concerning Babington's Plot, &c. Whereupon the Lords and other the Commissioners, conferred together in secret, and afterwards, as it is said, concluded upon their judgment. And they called in the Queen's Serjeants, the Attorney and Solicitor, and before them, as it is said, gave their sentences, by which all the Commissioners present, except the lord Zouch, pronounced, that the Scots queen was privy, &c. and that she had compassed and imagined the Death of her Majesty our sovereign lady, only the lord Zouch, as it is said, gave his Sentence, that she was privy to the compassing, practising, and imagining of her Majesty's Death, but he could not pronounce that she had compassed, practised, or imagined the same, &c. And then Mr. Sanders was called for in, to take notice of this Sentence.—*Note*,—That the earl of Shrewsbury sent his Judgment in writing, containing his consent unto the same; and so afterwards did the earl of Warwick.—The Commission reciteth the Statute made in the 27th year of the Queen's Majesty's reign, and authoriseth the Commissioners to examine, whether Mary the Scots queen, since the first of June, the same 27th year, hath compassed or imagined any thing tending to hurt the Queen's Majesty's person; or whether she hath been privy, that any other person hath compassed or imagined any thing tending to the hurt of her Highness's person, and thereupon to give Sentence or Judgment, as upon good proof the matter shall appear.—She was directly charged by the Queen's Serjeants, that she had compassed and imagined the death and destruction of her Majesty, and also was privy and consenting to the conspiracies and Treasons of Anthony Babington, and John Ballard, and their confederates, and so was within the compass of both the said articles of the Statute and Commission. For declaration whereof; first, it was opened, That Ballard being a Seminary Priest, and one that, by the space of five or six years, had ranged through many parts of

the realm, disguised in apparel, and under sundry several names, seducing the Queen's subjects, and withdrawing them from their due obedience, did go into France, in Lent last past; and about a week after Easter, had conference in Paris with Charles Paget, Thomas Morgan, and Bernardino de Mendoza, the Spanish Ambassador there, touching the invading of this realm, by foreign forces, rebellion to be stirred amongst her Majesty's subjects, and a strong party to be made to assist and join with the invaders, and the Scots queen to be delivered. In which enterprize, Charles Paget affirmed, that there was no hope to prevail during her Majesty's life.—Hereupon, Ballard was sent into England, by direction from Charles Paget, and Mendoza, to solicit and practise the execution of this their Complot.—He returned to London upon Whitsunday, being the 22d of May, and within four or five days after, he conferred with Babington, and acquainted him with all the whole Plot of these Treasons.—In this Conference, Babington and Ballard resolved, That all foreign power and invasion were in vain, unless the Queen's Majesty were taken away. Whereupon they concluded, that six gentlemen should undertake the killing of her Majesty, and that Savage, who before that time was solicited at Rheims to execute that wicked action alone, and thereupon had vowed to perform that accordingly, and was come into England for that purpose, should forbear to attempt it alone, and should be one of the six: and at the time of the execution thereof, Babington, and certain others with him, should deliver the Scots queen.—These things, with many other material circumstances and parts of their Treasons, were directly and voluntarily confessed, by divers of the principal Conspirators, both before and at their Arraignment, as appears by the Record; whereupon, to their deserts, and the justice of the law, they were attainted and accused.—After this Declaration thus made, the Proof against the Scots queen was entered into, and prosecuted, as hereafter followeth.—First, was read a Confession made by Babington, written all with his own hand, and delivered to the Lord Chancellor, Lord Treasurer, and Mr. Vice Chamberlain, voluntarily and frankly, before he was committed to the Tower; wherein he setteth down at large, about four years past, being in Paris, that he did there grow acquainted with Thomas Morgan, who brought him to the bishop of Glascow, ambassador ledger in France for the queen of Scots, and they both recommended their mistress unto him, as a most wise and virtuous Catholic princess, declaring the certain expectation of her future greatness in this land, by reason of the undoubted title to this crown, as next in succession.—And after his return in England, they, by their Letters commended him to her service; whereupon, she wrote unto him a Letter of congratulation.—After which he was solicited by other letters from Morgan, to be an intelligencer for her, and convey her letters and packets.—This course of service he continued for the space of two years; and about a quarter of a year before her remove from the earl of Shrewsbury's keeping, left it off, and discontinued the same until July last. At which he received from her a short Letter in cypher, by a boy unknown unto him, signifying her discontent for breach of their intelligence, requiring the same to be renewed. And that she would send some packets unto him, which she had received from Thomas Morgan, in April last before.—He doth also set down at large what conference passed between Ballard and him, and the whole Plot of the Conspiracies and Treasons.—He declareth further, that he did write a letter to the Scots queen, touching every particular of this their Plot, and sent it by the same unknown boy.—Unto which she answered, twenty or thirty days after, in the same cypher, by which he wrote unto her, but by another messenger; the tenor of both which Letters he carried so well in memory, that he reported and set down fully all the principal points of the same, as upon conference of his said Declaration, with the copies of the same Letters, it appeareth.—He affirmeth also, that he shewed the letter of queen of Scots to Titchborne, who did assist him in the decyphering of the same; and that he shewed a copy thereof to Ballard and others.

After the reading of Babington's Declaration aforesaid, a part of Ballard's Examination was likewise read, concurring with the same: wherein he affirmeth, that Babington shewed him a copy of the Letter which he did write to the queen of Scots; and also a part of the Letter which the Scots queen did write for answer to him, the whole not being then decyphered; and setteth down, very certainly, divers material points of the same.

Titchborne and Dunne, in their several Examinations, do also affirm that Babington did impart unto them the same Letter from the queen of Scots; and do likewise report sundry particularities of the same, and Titchborne affirmeth farther, that he, at Babington's request, did write a great part of the same, as Babington did decypher it, and read it unto him.

After this was read a copy of the Letter written by Babington to the Scots queen, wherein these material and effectual parts were, and are to be noted. First, he termed her his 'dread sovereign lady and queen,' and acknowledged all fidelity and obedience to her only.—He signifieth unto her, that upon advertisement by Ballard from beyond the seas, of the purpose of certain foreign powers to invade this realm, he hath now staid on purpose to do her sacred majesty one day's good service.—That he communicated this his purpose to such of the friends as he best trusted; and saith, that upon conference with them, he hath found these things, first to be advised in this great and honourable action, upon the issue whereof depended her life, and the weal and honour of our country.

First, for assuring of the Invasion, sufficient strength in the invaders, ports to be appointed

for the foreign princes to arrive at, with a strong party at every place to join with them, to warrant their landing. Then, the Deliverance of the Scots queen, and the dispatching of the usurping competitor, the effecting whereof he doth vow and protest, or else their lives to be lost in the execution thereof.—In all these particular points, he prayeth her direction, and for the avoiding of delay, that she by her princely authority would enable such as may advance the affair; seeing that it is necessary, that some there be that become heads, to lead the multitude, ever disposed by nature, in this land, to follow the nobility: he offereth also, to recommend some unto her, fit, in his knowledge, to be her lieutenants in the West Parts, North Wales, and the countries of Lancaster, Derby, and Stafford.—He promiseth that himself, with ten gentlemen, and 100 of their followers, would deliver her from her keeper.—And for the dispatch of the Usurper (from the obedience of whom he saith, that by the excommunication of her, they were made free), six noble gentlemen, all his private friends, would undertake that tragical execution.—He prayeth her, that by her wisdom it be reduced to method, and that her deliverance be first, for that thereupon depended their only good, and all other circumstances so to concur, that the untimely beginning of one, do not overthrow the rest.—He subscribeth: 'Your majesty's faithful subject, and sworn servant, ANTHONY BABINGTON.'

Then was read a Copy of the Scots queen's Letter to Babington, in answer of his, whereby she termeth him trusty and well-beloved; she commendeth his zeal and entire affection towards her; she accepteth and alloweth his offers; she declareth, that she hath long time dealt with foreign princes touching these actions, always putting them in mind how dangerous their delays were to the catholics. She willeth him to assure their principal friends, that albeit she had not in this cause any particular interest, that which she may pretend, being of no consideration unto her, in respect of the public good of the state, she would be always ready and most willing to employ herein her life, and all that she hath, or may ever look for in this world.—To ground substantially this Enterprize, she adviseth to examine deeply. 1. What forces they could raise within the realm, and what captains to be appointed in every shire, in case a chief general cannot be had. 2. Of what towns, ports, and havens, they could assure themselves, as well in the North as West and South, to receive succours from the Low countries, Spain and France. 3. What places they esteemed most fit, and of greatest advantage, to assemble their forces at, and which way and whither to march. 4. What foreign forces, as well on horse, as on foot, they required, and for how long pay. 5. What provision of money and armour, in case they wanted, they would ask. 6. By what means the six gentlemen did deliberate to proceed. 7. And the manner how she was to be delivered out of hold.—She deviseth, that after they had amongst themselves taken their best resolution, that then they should impart the same to Mendoza, and she promiseth to write unto him of the matter, with all the earnest recommendation she could; and also to any else that should be needful.—The affairs being thus prepared, and forces in readiness both without and within the realm, she saith, that then shall it be time to set the six gentlemen to work; taking order, upon the accomplishing of their design, that she should be suddenly transported from the place of her restraint, and all their forces to be at the same time in the field, and meet her, in tarrying for the arrival of the foreign aid, which must be hastened with all diligence.—And for that there can be no certain day appointed for the accomplishing of the said gentlemen's designment, she willeth, that others may be in a readiness to take her from thence; that the said gentlemen have always about them (or at the least at the court), four stout men, with speedy horses, to dispatch by divers ways, so soon as the said design should be executed, to bring intelligence to those which should undertake her deliverance, so that she might be taken from the keeper before he could hear of the execution of the said design, or at the least, before he could remove her to any other place, or fortify the place wherein she remained; and at the same instant to essay to cut off the posts ordinary ways.—She giveth earnest warning not to stir on this side, before they be well assured of foreign forces, nor to take her away, before they were well assured, to set her in the midst of a good army, or some very good strength, where she might safely stay for the assembly of their forces, and arrival of foreign princes.—She referreth to Babington to assure the gentlemen above mentioned, of all that shall be requisite of her part, for the entire execution of their good will.—She promiseth to essay, at the same time that the work shall be in hand in these parts, to make the catholics of Scotland to arise, and put her son into their hands, to effect that, from thence, her enemies here may not prevail of any succour.—She willeth also, some stirring in Ireland were laboured, for to begin some while before any thing were done here, to the end that the alarm might be given thereby, on the flat contrary side that the stroke should come.—That for a General, it were good to sound obscurely the earl of Arundel, or some of his brethren; and likewise to seek upon the young earl of Northumberland, if he be at liberty: and the earl of Westmorland, and the lord Paget, should be brought home secretly, and with them some more of the principal banished men should return.—She directeth three means for her delivery; viz. 50 or 60 to deliver her from her keeper when she was riding to take air on the moors between Chartley and Stafford.—Or to set fire in the barns and stables at Chartley, in the night-time, and when her guardian servants should go forth to quench the fire, then the others to enter and take her away.—Or to

cause some of the carts, which came with provision very early, to be overturned in the great gates, by practice with the cart drivers, so that the gates could not be shut, and then those which were appointed for her delivery, to enter the house upon the sudden, and to take her away.—Finally, she requireth, for God's sake, that albeit they cannot compass her delivery, yet notwithstanding they should not let to proceed in the rest of the enterprize.—She concludeth, what issue soever the matter taketh, she will think herself obliged to Babington so long as she liveth, for his offer to hazard himself (as he doth) for her delivery.

Both these copies of the two several beforementioned Letters, were advisedly perused by Babington, and thereupon he did voluntarily confess the same to be the true Copies of his Letter to the Scots queen, and of her Answer to the same, and for affirmation thereof, he subscribed his name to every page of both the said copies with his own hand. In doing whereof, he was so circumspect and careful, that finding two or three words mistaken in the writing of the Copy of the Letters, he struck out the same, before he did subscribe it.

Hereupon it was urged and inferred by her majesty's learned Council, that if Babington's Letter came to the Scots queen's hands, then it was appurent that she was privy to the Conspiracy for the taking away of her majesty's life. And likewise if she did write unto Babington to such effect, as in his Declaration written with his own hand, and in the same copy recognized and subscribed by him, is contained, then it cannot be avoided, but that she did not only compass and imagine, but did also practise, the destruction of her highness, and so was directly within both the parts of the commission and statute.

Hereunto the Scots queen, after her Protestation, answered, that she never saw nor knew Babington; and denied that she received any such Letter from him, or that she wrote any such Letter to him, or that she was privy to his conspiracies, or that she did ever practise, compass, imagine, or was privy of any thing to the Destruction of her majesty, or to the hurt of her person; confessing nevertheless, that she had used Babington as an intelligencer for her, and for the conveying of letters and packets.—And she added further, that she was not to be charged, but either by her word, or by her writing, and she was sure they had neither the one nor the other to lay against her.

After which Answer so by her made, divers other matters were alledged, and shewed forth, to prove that she did receive the same Letters from Babington, and did also write Answer unto him, as the before-mentioned Copies did purport; with farther proof, as hereafter followeth:—First, it was inferred, that since both the Letters were written in the cypher used between the Scots queen and Babington, and all the points of Babington's Letter directly and effectually answered by the other, it cannot be, but that she received his Letter, and so made the Answer unto the same; and the Alphabet of the same Cypher being found amongst Papers, and shewed to Babington, he acknowledged and thereupon subscribed his name to the same, as it appeared.—Also, the imparting of the same Letter by Babington to Titchborne, who did help to decypher part of it, and to Ballard, Dunne, and others, when he was at liberty, and feared not the discovery of his Treasons, but hoped then, within short time, to bring the same to his desired effect, is a stronger proof of the same Letters.—Besides the voluntary Declarations and Confessions of the same Letters by Babington, Ballard, Titchborne, and Dunne, after their apprehension, and their constant persisting in the same, before and after the time of their Arraignment, and till their death, without retracting any part thereof, enforceth greatly the credit of the same.—And there is no likelihood or probability that Babington, or any one, would of himself devise and impute to others, a matter of so great importance and extreme danger.

Then it was added further, that besides the matters before mentioned, it was manifest, as well by the Declarations and Confessions of Nau and Curle, her servants and secretaries, subscribed with their own hands, without torture or constraint, and by their voluntary oaths verifying the same, that the Scots queen did receive the same Letter from Babington, and caused the same to be decyphered, and after advice, reading, and consideration thereof, caused the said answer to be written to Babington in her name.—And for proof thereof, it was alledged, that the Copies of the same Letters being shewed by some of the lords of the council, to Nau and Curle, they, upon reading and perusing thereof, subscribed their names thereunto, affirming the same, and acknowledging that the Scots queen received the same from Babington, and thereupon she did give direction for the writing of the other unto him: which was verified, by shewing forth the same Copies so subscribed by them. And Nau setteth down in writing with his own hand, the 6th September, that the Scots queen did commonly hold this course, in receiving and writing of letters of secrecy and importance, viz. That all letters written to her, were opened in her cabinet, in her own presence, and decyphered by her own commandment; and such letters as she did write to others, she did first either write the same in French with her own hand, or give direction to Nau to write the same; after which, the same being perused by her, or read unto her, if they were to be written in English, then did Curle translate them out of French into English, and did eftsoons read them unto her, the same being so translated; which being done, Curle did put the same in cypher, and so they were sent away. He affirmeth farther in his said Declaration, That the Scots queen gave direction for the writing of the said Letter to Babington, and that in the writing thereof, the course aforesaid was holden.

There was also shewed forth a Paper written by Nau, containing short Minutes and Notes of the principal points of Babington's Letter, and of the Scots queen's Letter to Babington, which was found amongst her Papers at Chartley, which being shewed unto Nau by some of the lords of the council, he upon sight thereof confessed it to be his own hand, saying, that upon reading Babington's letter to the Scots queen, and her direction given for the answering of the same, he did set down the same Notes, to serve as a memorial for him, for the writing of other letters; and this his Confession, in that behalf, did he subscribe in the same paper, with his own hand, in presence of the said lords, and put his name thereunto; and after, in another Examination, affirmeth the same.

In this Paper, amongst other points, is contained *Le Coup*, which can hardly be construed to be meant otherwise, than the blow or stroke for killing of her majesty, being written upon some occasion, and to such end, as Nau hath declared, as is aforesaid.

Also, Curle perusing an abstract of the principal points of both the said Letters, did confess and affirm the same, and thereupon, before the said lords, did with his own hand subscribe his said affirmation, and put his name thereunto.

The same points were put into French by Nau, and written all with his own hand, and by him likewise confessed to be the matters contained in the same Letters, and thereupon also he did subscribe his name to the same.

Besides, Nau being examined before the lords aforesaid, the 21st of Sept., touching the said Letters, said that Curle did decypher Babington's Letter to the Scots queen, and after he (the said Nau) did read it unto her, and she resolved to make answer unto the same.

And saith further, That he took the points contained in the Scots queen's Letter to Babington, of her own mouth, from point to point, in the same manner as he put in writing; whereupon he did draw the Letter in French, and after brought it unto her, and she corrected it in such sort as it was sent to Babington. And saith, that the Scots queen delivered unto him by her own speech, these points following, for Answer of Babington's Letter, upon consideration of the same Letter from Babington, wherein the same points were contained, viz. What forces were to be had here, what havens and ports, what places fittest for the forces to assemble; what foreign forces they required; what provision, money, and armour; by what means the six gentlemen meant to proceed; and the manner how she was to be delivered out of hold.

He saith also, that the clause of the Association upon pretence to withstand the Puritans, was devised by the Scots queen herself, and was by her direction put into the said Letter; and so likewise, the other clause that the six gentlemen should have some stout men well horsed, to give speedy intelligence when the designment should be executed.

This Examination of Nau was first set down in English, according as he delivered it by speech, and being read unto him, he did subscribe his name unto the same, and after, upon perusal and further consideration thereof, he did set down in French with his own hand the substance thereof.

Curle being likewise examined before the said lords, the said 21st Sept., saith, That he decyphered Babington's Letter to the Scots queen, and then the same was read unto her by Nau, whereupon she directed Nau to draw an Answer unto the same, which he drew in French, and read it unto her; which being done, Curle put it into English by her commandment, and after, read it unto Nau, and then, by her commandment, Curle put it into cypher.—He saith, That the same her Letter to Babington had these parts, viz. What forces may be raised here; what havens and ports provided; what place fittest for the forces to assemble; what foreign forces they required; what provision, money, and armour, they would ask; by what means the six gentlemen meant to proceed, and how they meant to deliver her out of hold. And that the same letter contained a clause also, that the six gentlemen should have four stout men, well horsed, to give advertisement so soon as the designment should be executed; and contained three means, for her delivery out of hold; and had also a device for an Association to be pretended against the Puritans. He saith also, she willed him to burn the English Copy of the Letters sent to Babington.

These Examinations of Nau and Curle were subscribed with their own hands, and affirmed upon their oaths, voluntarily taken before the lords and judges, and so some of the said lords and judges did openly affirm.

All these Confessions and Declarations, Examinations and Subscriptions, of Nau and Curle, were verified by the oath of Mr. Thomas Powell, Clerk of the Crown, who was present when they did write and depose the same, and being shewed to the Scots queen, she confessed the same to be the hands of Nau and Curle; albeit, as she said, Nau had not written his name as he did usually accustom to sign; but she denied earnestly, that she did ever receive the same Letter from Babington, or write the other unto him, whatsoever Nau and Curle had said or deposed, saving she did take them to be honest men; but she did not know what apprehension, torture, fear or hope of favour, might make in them.

After these Proofs thus produced and shewed, it was alleged further, That the Scots queen had not only intelligence by Babington of Ballard's negociation in France, from the agents in France, and with what direction, and for what purpose he was sent from thence into England, but had also the like intelligence out of France, from her agents there.

And thereupon was shewed forth a Copy of a Letter written to the Scots queen by Charles

Paget the 26th of May 1586, *stilo novo*, which was decyphered by Curle, and being shewed to him by some of the lords, the 25th of Sept. he confessed the same, as well by speech, as by his own voluntary subscription, and putting his name thereunto. Whereby Charles Paget did signify what conference Ballard had with him and Mendoza; and what Plot they had levied for the invasion of the realm, and stirring of rebellion; and what directions Mendoza had given unto Ballard.

It was also alleged, That after the Scots queen had received the said Letter from Babington, and had written Answer, point for point, to the same, and given direction, touching the whole Plot, promising withal to write to Mendoza, and to any else that should be needful, she did, accordingly, the 27th of July, make dispatch of five several letters, all touching the same action, viz. three into France, one to Mendoza, another to Charles Paget, and the third to the bishop of Glascow; and two into Spain, one to the lord Paget, and another to sir Francis Inglefield.

She wrote to Mendoza, that she was so discouraged from entering into any new pursuits, seeing the small effect of those in times past, that she shut up her eyes to divers overtures and propositions that were made unto her by the Catholics within six months past, having no means to give them sound answer.—But upon that, which of late again she understood of the good intention of the king of Spain towards these quarrels, she had written very amply to the principal of the said Catholics, upon a design which she sent, with her advice upon every point, to resolve amongst themselves, for the execution thereof; and for fear of loss of time, she gave them order to dispatch unto Mendoza, with all diligence, one from among them, sufficiently instructed to treat with him, according to the general propositions which have been already made unto him, of all things which they were to demand of him in that affair with the king his master.—Further, she answereth him on their behalf, upon their faith and word given unto her, That they would faithfully and sincerely accomplish, with the hazard of their lives, that which they should promise by their deputy, and therefore prayeth Mendoza to give all credit therein, as if herself had dispatched him.—She saith further, that she would inform Mendoza with the means of her escape, which she would take upon her to perform, so as afore hand she may be assured of sufficient forces to receive and preserve her within the land, whilst all the armies may assemble.

The original draught of this Letter written in French by Nau, and by him subscribed and confessed, was shewed to the Scots queen, which she confessed to be his hand, but said, it was nothing to this matter.—There is also a Copy of the same in English, of Nau's hand, and subscribed and signed by him.

She did write unto Charles Paget, That, upon return of Ballard, the principal of the Catholics did impart unto her, their intention and conference to that which Charles Paget wrote, but more particularly asking her direction for the execution of the whole, and that she made them a very ample dispatch, containing the device, point by point, in all things requisite, as well on this side, as without the realm, to bring their designment to good effect.

That she directed them, that for losing no time, having taken resolution amongst them, upon her dispatch, they would make haste to impart the same to Mendoza, sending over therewith, either the said Ballard, or some other the most faithful and secret they could find. That she promised to write to Mendoza, as she did presently, to give credit to the said messenger. So that if the pope and king of Spain had even intention to provide for the isle, the occasion is presently offered, very advantageous, finding all the catholics therein universally so disposed and forward, as there is more ado to keep them back, than put them forward.—That for all difficulties which Mendoza could alledge, as for getting her forth of hold, or otherwise, he should be thereof sufficiently cleared and satisfied.—That it resteth only to pursue, so hotly as can be, both in Rome and Spain, the grant of support requisite, of horsemen, footmen, arms, ammunition, and money.—That her opinion is, and that so she hath written to the catholics, that nothing be stirred on this side, before they have sufficient promise and assurance of the pope and king of Spain, for the accomplishment of that which is required of them.—That she would have sent to Paget, a copy of her dispatch to the catholics, were it not that she is sure, that, by the messenger, he should know more thereof than she can write, he being to carry into those parts the resolution of the whole, and for the same respect she referred the lord Paget to be thereof informed by Charles Paget.

She thanketh him for the sixty crowns he gave to Ballard, promising to make him reimbursed of the same, by the ambassador.—She requireth to know how he hath proceeded with the lord Claude, in the matter whereof she wrote unto him not long since, which being well effected, should well concur with the enterprize here.

Two original draughts of this Letter were shewed forth, one in French, written by Nau, the other in English, written by Curle, which they confessed by their subscriptions, and affirmed by their oaths, before some of the lords, as Mr. Thomas Powell did then depose.

She did write to the lord Paget, that she doubted not, but he had understood by his brother, the overture which a deputy for the catholics in this realm, had made on their behalf to Mendoza: whereupon, not long since she wrote very amply to the principal of the catholics, for to have, upon a plot which she had dressed for them, their common resolution; and for to treat accordingly with the king of Spain, she addressed them to the lord Paget.

She requireth him to consider deeply the

said Plot, and all the particularities necessary for the execution of it; namely, for the supporting of men, armour, munition and money; which must be obtained of the pope, and of the king of Spain. She requireth to solicit the matter there, and to enter betime, because all negociations in that court are drawn to great length.

This was also first drawn in French by Nau, and after put into English by Curle, and both the original draughts of their own hands were shewed forth, which they had confessed and subscribed before the lords, and affirmed the same by their oaths, as Mr. Thomas Powell did also depose.

She did write to sir Francis Inglefield, to give thanks to the king of Spain, for the 12,000 crowns; assuring him, that the same should be employed to none other use, but to the accomplishment of her escape.—That she feareth the bruit which runneth, of a peace between the king of Spain and this queen, shall retire many to pursue the designment of an enterprize of new dressed here.—That the principal catholics of England having, about Easter last, made their complot together to rise in Leicester's absence (myself not having wherewith to give them a substantial answer), sent one from amongst them to Charles Paget, who made their messenger to declare their designment to Mendoza, to know if his master the king of Spain would hearken thereunto.—Whereupon all good hope being brought back again unto them, as they signified unto her, and finding the same in manner confirmed by Inglefield's letter; she made them a very ample dispatch, by which, upon a plot which she had dressed for them, she gave them her advice, point by point, in every thing necessary for the execution thereof, and remitting them to take resolution thereupon.—That for to lose no time, without sending again unto her, they should dispatch, with all diligence, some one in their names, chosen, faithful, and sufficiently instructed, to Mendoza.—To impart unto him particularly the plot of their enterprize, and to require such support as is necessary of men on foot and horse, as also of armour, ammunition, and money: of which things, before they had sufficient promise and assurance, not to stir on this side.—That she had cleared the greatest difficulty, which has always been objected in the like enterprize, viz. her escape out of hold, and she hopeth to execute the same assuredly, as they shall design it.—That, if a peace be made in France, her cousin of Guise, having already great forces, may employ the same here, on a sudden, before the queen be aware.

Of this Letter there was also shewed for the two original draughts, one written in French by Nau, the other in English by Curle; which they had likewise confessed and subscribed before the lords, and confirmed by their oaths, as Mr. Powell deposed.

She did write another Letter to the bishop of Glascow, which, for that, in these points, it did in substance concur with the former, containing also sundry other matters, not pertinent to this accord, was not read, but the first draught in French written by Nau, and by him confessed and subscribed before the lords, was only shewed forth, for the verifying of the same.

After that, the original draughts of these Letters to Mendoza, and Charles Paget, were shewed to the Scots queen, and were confessed by her, to be the hand-writing of Nau and Curle; she refused to see the draught of sundry other Letters hereafter mentioned, which were likewise offered to be shewed unto her, saying, She cared not whether the same were written by them or not, and acknowledging withal, that about that time she made several dispatches, to such effects as these Letters did purport, which was, concerning aid to be procured for her delivery, saying, that the same was nothing touching the matter wherewith she was charged.

Hereupon it was urged, that this Letter concurring directly, in matter and circumstances, with Babington's Letter to her, and her Answer to the same, did prove evidently that she received the one, and did write the other, and so was privy, and a compasser and practiser of the design of the Death of her majesty, and on this behalf these particularities were specially voted.

She writeth to Mendoza, Charles Paget, and the rest, That the Catholics did signify unto her their intentions, and that she made them an ample Dispatch, giving her advice upon every point, point by point, upon conference together of Babington's Letter to her, with her Answer to the same; this appeareth to be true, for by his, she hath intelligence of their plot and intention, and by the other she giveth her direction and advice, point by point.

In her Letter to Charles Paget, she writeth, That upon the return of Ballard, the principal of the Catholics had imparted unto her their intentions, conformable to that which Charles Paget wrote unto her; but more particularly upon conference of Babington's Letter with that of Charles Paget of the 29th of May, it appeareth, that Babington setteth down sundry particularities of the plot, more than are contained in Paget's Letter.

In her Letter to Babington, she promiseth to write to Mendoza, and others, and in those which she did write to Mendoza, Charles Paget, &c. she writeth, That she had given such direction; and accordingly Ballard was prepared and ready to have taken that journey, if he had not been prevented by his apprehension, as is confessed by Ballard, Babington, and Savage.

She writeth to Charles Paget, &c. that the difficulty which hath been objected, touching her delivery out of hold, is cleared, and that she hopeth to have it executed assuredly, according to her designment.

And accordingly, in Babington's Letter to her, and her answer to the same, the manner and means of her escape is set down at large.

In her Letter to Charles Paget, she saith, She hath written to the Catholics, that no stirring shall be on this side, before they have sufficient promise and assurance for the accomplishment of that which is required of the pope and king of Spain: and in this her Letter of answer to Babington, it appeareth, that she did write to that effect.

In her Letter to sir Francis Inglefield, she writeth, That for Scotland, she is about to practise that her enemies may have no succour thence.

And accordingly, in her Letter to Babington, she writeth, That she would essay, at the time that the work should be in hand in these parts, to make the Catholics of Scotland to arise, and put her son in their hands, to the effect that from thence her enemies may not prevail of any succours; and withal willeth, that some stirring in Ireland were laboured for, to begin some while before, to the end the alarm may be given on the flat contrary side that the stroke should come.

Both which her devices have not failed of their success, for there have been stirs and troubles both in Scotland and Ireland, the latter end of this summer.

And where the Scots queen confessed, That she had written to procure Invasion and Rebellion, and seemed to justify the same as lawful, for to obtain thereby her delivery, it was said, that being within the realm, and protected by the laws, and so subject to the same, she might not use those means to compass her delivery, whereby the queen's life was apparently sought; for invasion and destruction of her majesty are so linked together, that they cannot be single; for if the invader should prevail, no doubt they would not suffer her majesty to continue neither government nor her life; and in case of rebellion, the same reason holdeth.

It was further alledged, That, besides these several Letters before mentioned, she did, about the time that these things were in hand, write divers letters to sundry other persons beyond the seas, wherein she taketh herself to be the sovereign of this realm, containing sundry matters very dangerous as well to our sovereign the queen's majesty, as to the whole state of this realm. By which her intentions, in the matters wherewith she is now charged, may the better appear.

The 20th of May 1586, she did write to Charles Paget to practise with the Spanish Ambassador in France, to stir the king of Spain to invade the realm, and to take revenge on the queen's majesty.—That the surest and readiest way to rid himself altogether from this queen's malice, is, by purging the spring of the malign humours.—That by this long patience, he hath not prevailed any thing, and that there is no other means to set up again the king of Spain's affairs in the Low countries, and to assure his estate in all other parts, than in re-establishing this realm under a prince his friend.—That if he deliberate, to set in this queen, he assureth himself of Scotland, either to serve him, or to be so bridled, as not to serve his enemy.—That she will travel by all means, to make her son to enter into the enterprize, or, if he cannot be persuaded thereunto, then she will dress a secret league and bond amongst the Catholic lords of that country, to join with the king of Spain.—That she will make her son to be delivered into the hands of the pope, or king of Spain, with paction to set him at liberty whensoever she shall devise, or after their death, himself, being Catholic, shall desire, without that ever the king of Spain should pretend or attempt any thing to the prejudice of her son (if he yield him Catholic), in the succession of that crown.—That a Regent should be established in Scotland, to govern in the absence of her son, and for that purpose named the lord Claude Hambleton, alias Hamilton.—That she should write to the lord Claude to procure him to draw the Catholic lords of Scotland, to be at the king of Spain's devotion. That, after answer received from the king of Spain, conformable to this design, then Charles Paget to write plainly to the lord Claude, that he hath charge from her to deal with the lord Claude in this matter, shewing that it is needful to seize her son's person, if he cannot be willingly drawn to this enterprize, and that the next way were to deliver him in to the pope or the king of Spain.—That Charles Paget should indirectly put the lord Claude in hope, that she will make him to be declared lawful heir to the crown of Scotland, her son failing without children, and that she will procure the Catholic princes of Christendom to condescend thereunto.—She chargeth him not to communicate these things to any, either English, or French, or Scottish, and to pray Mendoza, and the lord Claude, to do the like.

The Letter was first drawn in French by Nau, and then translated in English, and after put into cypher by Curle, and an extract of the principal points thereof, was confessed and subscribed before some of the lords the 25th of Sept. which was openly read and shewed forth.

Then was read another Letter, which the Scots queen wrote to Mendoza, the same 20th of May, concurring with the former to Charles Paget, wherein she writeth, That Charles Paget had a large Commission from her, to impart to Mendoza certain overtures on her behalf.—That there was another point depending thereupon, which she had reserved to write to Mendoza himself, to be sent to the king his master, on her behalf; no man else, if it were possible, being privy thereunto, viz. That considering her son's obstinacy in heresy, and foreseeing the imminent danger like to ensue to the Catholic church, he succeeding in this crown; she resolved, in case her son were not reclaimed to the Catholic religion, as she had title to give and grant her right to the king of Spain, in succession of this crown, by her last will and testament, praying him to

take into his protection, both her, and the state and affairs of this realm.—She willeth this to be secret; forasmuch, if it should be revealed, it should be in France, the loss of her dowry; in Scotland, the clear breach of her son; and in this country, her total ruin and destruction.

This Letter was first written in French by the Scots queen's own hand, and then translated into English, and put into cypher by Curle, as he confessed and subscribed the same the 25th of Sept. last.

Upon reading of these Letters, it was noted, That the Scots queen's intention was, to subject this crown and realm to the king of Spain, to the utter ruin and destruction, both of the queen's majesty, and of all the antient nobility, which purpose appeareth to be generally holden by the English fugitives and traitors beyond the seas, as Babington and Savage set down in their several Confessions and Declarations: and that their intention is, to procure the king of Spain title to this realm, to be confirmed and invested by the pope, to take away all objections against it. And as Babington saith, Dr. Allen and Parsons staid longer at Rome, to solicit the same.

After this was read, another Letter written to the Scots queen, by Dr. Allen, the 5th of Feb. wherein he writeth unto her, 'Madam, my good sovereign, for our resolution out of Spain, the whole execution is committed to the prince of Parma.' That father Parsons, Owen, and himself did bring the king's determination to the prince, who seemed as glad as they, that he might have the effectuating of it; and gave great sign to do it, strait upon the recovery of Antwerp, but harped still upon this string, that she should by money, or some means, put herself out of their hands.

Then was read the Scots queen's Letter to Dr. Allen the 20th of May 1586, wherein she called him 'Reverend Father,' and saith, 'they have overslipped many good occasions:' and wisheth, that they should not withal omit this new offer, pinching near by this queen.

Upon these Letters were inferred, that Dr. Allen did acknowledge her to be his Sovereign, and to be the queen of this realm in present possession, and she accepting the same, gave him the title of a bishop. Whereunto she answered, That though Dr. Allen, and divers other foreign princes, and the Catholics of this realm did so take her, yet she could not do withal; but for herself, she did not claim to be so.

It is also to be noted, that the resolution which was to be put in execution by the prince of Parma, and which the Scots queen was so careful should not be overslipt, cannot be thought to be other but matter of great peril to her majesty's person and this state. And so it may also be gathered by a Letter written by the prince of Parma to the Scots queen the 12th of Jan. 1586, where he writeth, that touching the great secret, he would keep it, as it becometh, and put to effect as much as she should command, and should be in his power.

Also, the Scots queen did write to Dr. Lewis, ult. April 1586, wherein she willeth him to impart her congratulations to the new elected pope, and her affection towards him, chiefly for that she understandeth his resolution bent, to follow, as near as he can, the traces and footsteps of good pope Pius 5, of whose memory she beareth a singular reverence, for the singular compassion he had of her present state, and his endeavour which he did manifest to relieve her.

Whereupon, it is to be noted, that her imaginations be against the queen's person and state, since she exciteth the pope to follow the steps of Pius 5, who published the bull of excommunication against her majesty, and thereby denounced her to be no lawful queen, and discharged her subjects of their obedience and allegiance; out of which root hath sprung all the traitorous practices that have since been attempted against her highness's person.

And for the verifying of these Letters before mentioned, written by the Scots queen; it is to be remembered, that the original draughts of all these Letters, saving that only which she wrote to Babington, which, as Curle affirmeth, she commanded to be burned, as is before mentioned, were found amongst her Papers at Chartley and put in a chest, sealed up by John Manners, esq.; sir Walter Ashton, knight, and Richard Bagot, esq.; which was first opened and unsealed, and the same draught taken out, by certain of the lords and others of her majesty's Privy Council.

After, on the 24th of Oct. the Lords and other Commissioners being assembled at the Star Chamber at Westminster, to confer of the said matters, and touching their Sentence, Nau and Curle were brought personally before them; and the Papers, Letters, and Writings, which they had before confessed and subscribed, and affirmed by their oaths, as is aforesaid, being then and there likewise shewed unto them, they did then eftsoons voluntarily acknowledge and affirm all that to be true, which they had before so confessed and subscribed, and that they had so confessed and subscribed the same, only in respect of the truth, frankly and voluntarily, without any torture, constraint, or threatening.

And the said Curle did then also further affirm, that as well the Letter which Babington did write to the Scots queen, as the draughts of her Answer to the same, were both burned at her command.

He said also, after the decyphering of the said Letter written by Babington, and the reading thereof to the Scots queen, he admonished her of the danger of those actions, and persuaded her not to deal therein, nor to make any answer thereunto: and she thereupon said she would answer it, bidding him do that which he was commanded, and which appertained unto him.

65. The Arraignment of WM. DAVISON (Secretary of State to Queen Elizabeth) in the Star-Chamber, for Misprision and Contempt: 30 ELIZ. March 28, A.D. 1587. [MS. in Caius Coll. Camb. Class A. 1090, 8. p. 267. MS. in the Bodleian Libr. sub. tit. Juridici, 7843. 862. p. 235.]

Before sir Christopher Wraye, Chief Justice of England, who for the time sate as Lord Privy-Seal; the archbishops of Canterbury and York; the earls of Worcester, Cumberland, and Lincoln; the lords Grey, Lumley; sir James Croft, the comptroller; sir Gilbert Gerrard, Master of the Rolls; the Lord Chief Justice of the Common Pleas, Edmund Anderson; sir Roger Manwood, the Lord Chief Baron; and sir Walter Mildmay, the Chancellor of the Exchequer; For hearing of a matter of Misprision and Contempt against Mr. Davison, late one of her majesty's Secretaries, and one of her Privy-Council, by virtue of a Commission to them directed *.

WHEREUPON Mr. Popham, the queen's Attorney-General, spake in form following: My Lords, I am to inform your lordships in her majesty's behalf, of a certain great and grievous Contempt and Misprision against Mr. Davison, there prisoner at the bar, late one of her majesty's secretaries. The manifold and sundry practices committed by the Scotish queen are not unknown unto your honours, which were offences in the highest degree, and required to be looked unto with speed. It is well known unto your lordships also that thereupon, by earnest intreaty and intercession, her majesty at length condescended that the matter should be heard and decided according unto law. Whereupon, were those honourable proceedings had at Fotheringhay. But the residence which belonged thereunto, to-wit, the Execution, her majesty politicly neither consented unto, nor denied, esteeming no clemency in the former, nor wisdom in the latter. Which course, she held from the 25th of Oct. all Nov., Dec. and Jan. During which time, most horrible conspiracies against her majesty's sacred person were contrived, most false rumour that the Scotish queen was escaped, spread abroad, and bruited that foreigners were landed for invasion; all which, for preservation of the Scotish queen, and prejudice of ours. Upon these considerations, her majesty assented to sign the Warrant for her Execution, by whom such tumults were raised: notwithstanding, being moved to mercy by her great wisdom, she thought it necessary so have it in readiness, if any attempt should be begun, and yet not in haste to execute the same: this so signed, she left with Mr. Davison to carry the great seal, to have it in readiness as aforesaid. And he, after the sealing, and without her majesty's commandment, presented it unto the lords without her privity, contemptuously. Notwithstanding, upon the delivery thereof to him, her majesty bid him use secrecy. And upon question made by the lords whether her majesty continued in that mind for execution of the Scotish queen, he said, she held that course still; and upon farther question made, said her majesty would not be farther troubled with that matter. Whereupon the lords seeing no impediment, dispatched the Execution, wherein Mr. Davison did break the secrecy her majesty reposed in him, in delivering it unto the lords, and dealt very contemptuously in not making her privy, knowing her mind to be to the contrary. For her majesty sent Mr. Killegrew unto him, commanding him, if it were not sealed already, it should not be sealed; and after, when he told her majesty it was sealed already, she asked him what haste? This act so done by him, he being but a particular counsellor, her majesty doth take it a matter of high indignity and abuse of her counsellors, and a thing of the greatest moment that ever happened since her reign, since which time never any counsellor in matters of far less importance proceeded without her resolution or privity: which thing she leaves to your honours consideration for punishment thereof.

Davison, with a comely countenance, replenished with gravity, a fine deliverance of speech, but a voice somewhat low (which he excused by late sickness) discreetly answered in sort ensuing:—My Lords, I am right sorry, that an action of this nature, for the honourable Proceedings against the Scotish queen, than which never was any thing more honourable, should after the full and laudable performance thereof be called into question. Again, my lords, I am most sorry that her gracious highness should conceive such an high

* Queen Elizabeth undertook to make the public believe that the execution (of the Queen of Scots) was done against her will, and without her knowledge; the way she went to work was thus: Davison was the instrument she made use of, without his knowing any thing of the matter, to act this sort of Comedy. A little before the Queen of Scots' sentence he was made Secretary of State; and it is very likely he was put into that post on purpose, that he might be drawn into the snare, and made accountable for Mary's death. Rapin, vol. ix. (Oct. Edit.) pages 105, 106. See also pages 109, 110, 111, 112, 113, for more particulars of this affair.

displeasure against me, as to trouble your honours with me at this present. But as in all mine actions heretofore, I have been most faithful and forward to do her majesty's commandments; so in this, by your honours favour, let me bear the testimony of my conscience, that I have done nothing either wittingly or willingly, but as became an honest man. And therefore, first, that I delivered it unto the lords without her commandment, or against her commandment; let it be lawful for me with your honours leave to protest the contrary.—To that the Attorney answered, I said not that you delivered it unto the lords against her commandment, but that you knowing her mind to be contrary to it.—Davison to that replied, Well, then, I desire to have the proofs: whereupon the Solicitor-General read his Examination, wherein to the sixth point he sayeth, That after the signing and sealing he made her not privy to the sending down.—Mr. Davison to that answered; My good lords, the Warrant for the execution was signed and sealed by her majesty's express commandment; which being so, I take it to be irrevocable in law. Whereupon, by the advice of the lords it was sent down, she not being privy to sending down, wherein I thought I dealt as beseemed me: for writs of execution do not use to come to her majesty. That I was so forward, I thought it my duty, and for no other reason I protest; for I never had any private grudge or hatred against the Queen of Scots, but in respect of my country and common-weal. The Warrant rested with me six weeks before I presented it, and when I presented it, my Lord Admiral will witness I was sent for. The place I held, I protested I never sought for: it pleased her majesty for some gracious opinion of me to prefer me thereunto. In which I am assured I have not committed any wilful error, but as an honest man should do; for nothing in the world is more dear to me than my reputation. I confess I said to some lords, I took it to be her majesty's pleasure to proceed therein, and I appeal to her majesty's own conscience if I had not cause to think so. But she is my most gracious sovereign; it is not my duty to say, if she gainsay; I will not stand in contestation with her, for it beseems me not, and therefore I submit myself to what punishment your honours shall please to lay upon me.

To that the Solicitor (Egerton) answered; Mr. Davison, you do well to extol the honour of the Proceedings, for it beseems you, and so the truth was. But I must tell you the more honourable the proceedings were, the more is your contempt in not making her privy. In reserving the Execution, I note her majesty's magnanimity, who not regarded the dangers of her own self, to continue the other's life. And yet her wisdom is therein to be commended, who thought good to have it in a readiness, with intention to have clemency so long as might be. In not contesting with her majesty you observe duty, but by your means was a great contempt; and further, she said to you, you should use it with great secrecy.

To which Mr. Davison said, I confess it; and the Solicitor replied, Why then that was a caution not to do it without her consent: so notwithstanding your intention was good, it was a foul error. Whereto Davison rejoined, She is my most gracious sovereign, as good a mistress unto me as ever any servant had, and what I have I had it at her hands, I hope therefore, my lords think me not so unwise as to offend her, unless by oversight; but that I did it wittingly or willingly, I protest I did it not. And notwithstanding she sent Mr. Killegrew that it should not be sealed, if it were not sealed already: yet it proves not but that she had a mind to do it when it was sealed. She said unto me, What haste? whereto I answered, I had done it by her majesty's commandment, and that such a thing might not be dallied withal. Now, my lords, the reasons to move me to think it was her majesty's meaning, were sundry and divers: first, the honour and justice of the cause: next, I knew of advertisement from beyond the seas of her majesty's imminent dangers. Also I was privy to the Proceedings at Fotheringhay. I was not ignorant of the doings in Parliament. Last of all, the rumour of Invasion, the cries and tumults in the realm, which moved me, having no express commandment to the contrary, to do as I did.—When he had said this, Mr. Solicitor read his Examination, where to the second he saith, When her majesty bade him use secrecy, he said he would be as careful and secret as should need: to the third, he confesseth Mr. Killegrew came unto him, telling him, if it were not sealed already it should not be sealed. To the seventh, after the Warrant was sealed, her majesty asked him, What haste? Whereto Davison answered, Though her majesty commanded me to keep it secret, and I told the council of it, how can I be thought ill of for that? For her majesty bade me expressly shew Mr. Secretary Walsingham thereof; my Lord-Chancellor must needs know it, forasmuch as he must seal it. And her majesty made my Lord-Admiral privy thereunto; why then might I not make it known to some others that were chief counsellors? To that said Mr. Attorney, Though Mr. Walsingham should know it, yet it was not general. Mr. Davison answered, Neither was I verbally commanded to conceal it from the rest. Then said the Solicitor, Another matter makes against you; my Lord Treasurer did ask you, whether it was her majesty's pleasure? And you answered, Yea. To that said Davison, I remember not that. The Solicitor replied, It is my Lord-Treasurer's testimony. And Davison rejoined, I reverence his testimony; and proceeded, saying, My lords, the cause is between her majesty and me; she is my gracious sovereign, and I her servant, it behoveth me not to say, if she gainsay; neither could I, as I said, contest against her; yet let me protest, that, in my own conceit, I have dealt as sincerely soundly, and honestly as any servant could do. Then spake the Lord Chief Justice of England, saying, By that if she asked you,

What haste? You might know it was her pleasure to defer it, and therefore you to do it without her commandment was a great offence. —Then spake Gawdie, the queen's Serjeant: My lords, four things I note that Mr. Davison confesseth; first that her majesty bade him use secrecy; next, the Warrant being sealed, Mr. Killegrew was sent unto him, that were it not sealed already, it should not be sealed at all. Thirdly he confesseth her majesty was content he should shew it Mr. Walsingham, which proves she minded to keep it from the rest. And it had been his duty to have known her pleasure: and therefore for so much as he Confesseth this, I take it to be a great contempt, Indignity and Misprision for him to say his intent was good; he thought it so, is no Answer. Fourthly her majesty told him, she thought of some other course to be taken, and he gave her no Answer; besides, he confesseth he told the lords it was her majesty's pleasure upon such a demand made. Davison answered, that general demand was made. Gawdie replied here, It is the Lord Treasurer's testimony. Davison rejoined, Let me have right; it was but privately demanded between my Lord-Treasurer and me. I will not speak in excuse, but only to answer; I demand, whether the imparting of it to the Council be such a contempt: farther, there is difference between an express commandment, and an implied speech. The loss of my place, I do not esteem, neither weigh I this disgrace; only her majesty's disfavour is the thing that grieves me.—Then Puckering the queen's Serjeant began to speak, aggravating Davison's Offence, and forward to accuse, and yet seemed more *pro forma tantum*, than of any matter he had to charge him withal, more than had been spoken of before. Whereupon Davison answered, All this speech is answered, but that I made her not privy; whereto I say, I made her not privy in respect my lords of the council thought it not necessary, because it was not fit she should be privy to the Execution. I will not stand upon terms, as I say, for it becomes me not, but submit myself to your honours censures.

Then said *Wraye*, Mr. Davison, to say it was irrevocable you are deceived, for she might do it at her pleasure. Then said Davison, I beseech you, my lords, make means to her majesty that I may have her favour; and for the rest, I wave it not. Whereupon Wraye willed sir Walter Mildmay to deliver his opinion; who began in form following:

How honourable her majesty, our gracious sovereign, hath dealt in all justice, is known to all the world, against such Traitors, by whom her life should have been taken away; whereupon should ensue, subversion to the whole state, upon the proceedings whereof it appeared that the Scotish queen was chief author, dealing most ingratefully against her who before time had saved her from them that vehemently sought her destruction. And notwithstanding that her majesty might have proceeded against her as a private person, yet she granted her Commission to great persons to hear what she could alledge in her defence. And albeit that upon the hearing thereof she was declared to be Guilty, yet none could think Execution might be done without her majesty's express assent. Then he dilated of the proceedings of Parliament, the Petition, her Answer thereunto, wherein he noted her wisdom in not being hasty in so high a matter; he shewed farther, how she was contented to hear ambassadors, if they could propound any thing in her defence. Afterward followed the Proclamation to notify the Proceedings passed unto the people; for people, said he, be desirous to hear of state-matters, and I warrant you itch to understand what we do here: herein, said he, was justice, mercy, and discretion. Afterwards, upon the . . . . . and cries, she thought it necessary to look unto it; upon this she sealed her warrant, yet continuing her former clemency, not to put it in Execution; for as it was in her to grant that it should be done, so she might stay and defer it; which she so meaning, it behoved her to trust somebody, and so, said he, she did this gentleman, called unto her service upon trust, who, for the acquaintance that I have had with him, was worthy of that place. This trust she committed unto him, and I am sorry, said he, he was not in this so good a servant as in all other things. Surely he had notable cautions, not to have presumed in so great a matter to have done any thing without her commandment. His offence, said he, I interpret in two degrees; an abuse to the trust, and the Contempt: for the first she willed him to tell it Mr. Walsingham, and it is no excuse to say, she forbad you not the rest: for you ought not to have told it unto any but whom she would. Also, which aggravates your offence, you told the lords she was pleased. For the Contempt, the writ was not delivered unto you, but had it not been delivered unto them to whom it was directed, then had it been a commandment. Your good intention was no Answer, neither ought my lords to allow of it, albeit per case I could allow it, because I know you. Also your fault is the greater, which you know. Farther, you were near her, and had time convenient to shew her; hereof said he, hath followed a greater mischief to the queen's majesty, which may turn to all our hindrance, forasmuch as our welfare depends upon her well-doing. Next, said he, hath followed a dishonour to her majesty, that she having governed this land so long time in all obedience, a servant of hers in this age, should have so small regard. Now for my opinion of the Offence, it resteth to consider what punishment is behoveful in such a case. Punishments in this court are either corporal, or pecuniary, pecuniary by fines imposed upon offenders; and corporal, by punishments and such like. Now, said he, if the fine should be *secundum quantitatem delicti*, I think he should not bear it; for I know his estate. Surely less than ten thousand marks may not be sufficient, which though it be too great for his ability, yet is it too little for his fault. The quali-

fication, whereof, resteth in them where I doubt not he shall find favour; next he must suffer Imprisonment during her majesty's pleasure, which must be reserved to her merciful mitigation.

And after him spake *Manwood* the Chief Baron, who in the beginning of his tale took so large a scope, as many did judge he would be tedious, as he was indeed. First, he declared how in the very beginning the queen of Scots bewrayed her malice against the crown of this land when she was queen of France, at which time she made letters patents as queen of England; she usurped her majesty's stile, and she quartered the arms of England. Then he descended unto her doings when she was dowager; how she excused her former offences by reason of coverture: then he declared her marriage with the lord Darnley; the murder of her husband, the practices with the bishop of Ross; her conspiracy with the duke of Norfolk. To conclude, he couched the whole history which any way concerned her life or manners. At last he came to Mr. Davison's offence, which he took in law to be a misprision; and yet not every commandment of the prince transgressed, is a misprision: But, said he, when one is put in trust in a point of justice, which is the government of the common-weal, there a commandment transgressed is a misprision. For example whereof, he cited a case there in that place decided; meaning sir John Throckmorton's case, as many deemed. Also, said he, if a sheriff exercise his office without an oath, that is a misprision. And, said he, if one have power by law to do a thing, if he prevent the time wherein it ought to be done, that is a misprision. And if a judge for expedition of justice should sit in judgment before the term, that is misprision. Now, said he, this is a misprision, because you prevented the time in doing it before you were commanded, although the thing were lawful: for you did *justum*, but not *juste*. Farther, by naming Mr. Walsingham in specialty, it was a secluding the rest in generality. And, also, if the warrant were sealed, yet was it not lawful to kill her, because the direction was special, and not general. So then he concluded the contempt was great, and the punishment assessed by sir Walter Mildmay worthily deserved, whereunto he agreed.

After him, spake *Anderson*, Chief Justice, who said, The Proceeding had been honourable, which he would not speak of, being known unto all men, and having been spoke to before. But to come to the case in question; in the Accusation, said he, be two parts, first, that Mr. Davison, without her majesty's commandment, sent it down? and the second, that against her commandment he made the lords privy. For the first, he confessed; to the second he saith she bade him use secrecy. The causes alledged by him are good, and yet the proceeding therein, that which caused the offence, the words, 'use secrecy,' and not to cause it to be published or known to any. Then he being one of her majesty's Council, the fault is bad; and it is the worse, because by her saying 'what haste,' he might gather what her intent was. Mr. Davison saith, he excuseth it by love to the commonweal, which a man may term blind love, which is no excuse, but it remaineth a Contempt, and a Contempt is a Misprision; and yet is not every Misprision a Contempt? If a man do a thing without a warrant, it is a Contempt; and so he concluded this to be a great offence worthy the punishment inflicted upon him: and so ended.

After him spake the *Master of the Rolls*, agreeing with the censures of them that spake before; and that Mr. Davison's great zeal made him forget his duty: also saying, that the point did rest, whether he did know it was her majesty's pleasure it should be stayed, which, said he, appeareth by his own confession; and therefore, in fine, he agreed with the former censures.

Next spake sir *James Croft*, who said not very much, and yet spake somewhat: that he loved the man well, and so had cause, saying, that he had no lack of good-will; but yet had grievously offended. So he subscribed in opinion to the former judgment.

After him spake the lord *Lumley*, who divided the offence into two parts. First, The neglect of his duty; and secondly, The breaking of his duty: saying further, that the Judges had told the law, and we must believe them, that it is within the compass of a Contempt. The matter, said he, is evident: for first, her unwillingness in the Parliament was a signification of her mind, which he let slip. And farther, in saying, that she was of that mind still, surely you spake without the book, which was a very bold part; for you ought to have told them how dutiful it was; yet, sir, you took a worse course, that such a high matter by your persuasions, as it should seem, should be done without her privity. Why said he, what an abuse of the counsellors was this? Surely a great abuse! and if it were a fault against them, much more against her majesty: this is one of the highest offences, by my trowth, (for so he sware) that ever subject did against the prince; and though you were my brother and heir (before God I speak it) I think the punishment too little; yet with no offence to you, but for the quality of your fault. But, I say, had a greater Fine been imposed upon you, I would easily have agreed thereunto.

After him spake my lord *Grey*; who said, Two points were spoken of: the first, touching the queen of Scots; and the next, Mr. Davison's offence. For the first, said he, it is largely discoursed: for the last, my good lords, let me crave your farther examination. His offence is made the more for divers circumstances; the first circumstance is, for that it was for execution of a queen; but what queen? Surely such a queen as practised most horrible Treasons against our sovereign queen! such a queen, as conspired the overthrow of the whole state! yea, such a queen, that sought the subversion of Christ's true Religion, to bring our souls

headlong to the devil! So then, my lords, the taking away such a queen, can no way aggravate his fate. The second circumstance is, his breach of secrecy, which he excuseth, that he told it but to the chief counsellors: whereas Mr. Walsingham, my Lord-Admiral and Lord-Chancellor, either by necessity, or commandment from her majesty, did know it undoubtedly. Whatsoever my lords before me have thought; his answer in the behalf doth satisfy me, so I am resolved. For the third point, she asking what haste? and he afterwards, to send it down without her privity, here, even here, is the full proof of the Contempt; here is that, that causes the offence, which he seemeth to acknowledge, yet with two considerations: the first, the seditious tumults within the realm; the next, advertisements from Ireland, and beyond the seas. Now, my lords, must not these considerations move him rather to put himself in her majesty's mercy by dealing without her commandment, than commit her majesty to the mercy of her foes by obeying her? For had that other thing happened (which God forbid), that her majesty would have miscarried, and then this Warrant signed and sealed had been found in Mr. Davison's hands, wanting nothing but execution, should we not then have judged him a traytor? should we not have torn and rent him asunder? Surely, my lords, I should then have thought him more worthy of ten thousand deaths, than now of the least punishment that may be inflicted upon him; for each of us, in preservation of our country, ought to lose our lands, our livings, and sacrifice our bodies; howbeit, I excuse not his offence, neither do I agree it as a Contempt, and I agree with the punishment; and yet I think his fault proceeded from a very good zeal he bore unto his country; and I pray God, that that peculiar ornament of pity and compassion wherewith her majesty is singular, may be so extended towards him, that all good subjects, by his example, may neglect their own private hindrance or disgrace in respect of the furtherance of the weal public.

After him spake the Earl of *Lincoln*, who, for his opinion, thought it was but negligently done, and not contemptuously; but had it been done in contempt, he would have then thought Fine and Imprisonment no sufficient punishment for an offence of that quality; yet the Offence being as it is, for company, said he, I agree to the fine: but in mine opinion it is too much, saving that I know her majesty is merciful: and for the rest, I agree with my lord Gray.

The Earl of *Cumberland* repeated the case, neither aggravating nor denying the offence; but briefly concluded, he agreed in opinion with sir Walter Mildmay.

And the Earl of *Worcester* said nothing, saving that he was of the same mind with Mr. Chancellor, that spake first.

After him spake the Archbishop of *York*, speaking, as he was, like a Bishop, rather than a Judge, to decide a matter which did concern the State; for he inveighed against Mr. Davison's offence by places of Scripture: Obedience, said he, is the only virtue, and disobedience the contrary; and God requireth nothing else but obedience. St. Paul saith, 'Let every soul be subject unto the higher powers,' &c. And when Joshua was appointed Ruler over Israel, the people said, 'They would obey him in all things.' If then they ought to obey a prince in all things, much more in those things which be good. I am sorry, said he, for Mr. Davison, for he did it neither wittingly nor willingly, as I think certainly, but of a good mind to cut off our common enemy: that it was a good deed, must needs be confessed; but that it was not well done, must needs be granted. To reveal secrets was bad: for her majesty imparts not each part of her counsel to every Counsellor; so then his offence was a disobedience, and a great fault. He allegeth in excuse, I think, a good intention, but that excuseth not the fault: for *obedientia est melior quam sacrificium.* And St. Paul saith, *Non facimus malum ut inde veniat bonum.* Therefore, said he, the offence was great, too dangerous; for, in such a case, one would be twice advised, if he were either honest or wise. Last of all, he concluded he agreed with the Punishment assessed, and so ended his sermon.

Then spake the Archbishop of *Canterbury*, That the matter had been opened; first, concerning the doings of the Scotish queen, whom he thought, living and dead, was ordained to disturb and trouble the State of England. Then concerning Mr. Davison's Offence, Albeit, said he, that which is done could be wished to be otherwise done, yet none, I hope, could wish it were undone; whatsoever he did, in my opinion, said he, he did it in the superabundant zeal of Religion unto her majesty, and love to the Commonwealth. These be great arguments, said he, and yet no excuse: for *modus non factum efficit culpam*; although the act were good, yet can I not excuse him in the circumstance; howbeit, said he, the mercy in the Prince in deferring it was severe; for there is a severe mercy, as well as a merciful severity: for, it is written, 'He slew Og the king of 'Basan, for his mercy endureth for ever.' Yet, said he, mercy in a Prince is not to be restrained; and therefore, because the example may be dangerous hereafter, that counsellors may presume to do without the commandment of the Prince, which is a mischief more intolerable than an inconveniency; therefore I agree to that punishment which is before agreed.

Last of all spake *Wraye*, Chief Justice, who shewed the Cause, and said farther, That to every Contempt a commandment was not necessary, which in my opinion was needful to be proved; for, said he, the bishop of Winchester came to the Parliament, and afterwards departed without licence, and therefore had a grievous Fine set upon him. Myself, said he, am a Justice of the King's-Bench; in the Term we hear of matters of Treason, by the reason

of our office; and out of the Term, by Commission of Oyer and Terminer associate with others: if, said he, a Commission should be directed unto me and others of Oyer and Terminer for a matter of Treason, and we should arraign the person, and adjudge him to die, yet would I not put him to execution; and yet the Commission is to hear and determine. Surely, I think you meant well, and it was *bonum*, but not *bene*. Finally, he agreed the punishment should be as it was first of all assessed. But farther, said he, I must tell you, that for so much as the fault is yours, it declares her majesty's sincerity, and not privity in this action, and that she is offended therewithal. Farther, my lords, I must signify unto you from her majesty, that forasmuch as the Lords of the Council were abused by Mr. Davison's relation, in telling them she was pleased, and that which they did was for her safety, upon his wrong information, the lords be sorrowful because they were abused by him; therefore her majesty imputeth no fault to any of the counsellors, but only to him; and the rest she doth disburthen of all blame.

This said, Mr. *Davison* craved leave to demand one Question, and make one Petition. For your Question, said Wraye, I think it was never the order in this Court, after the matter is heard judicially, to answer any Question, (which sir Walter Mildmay affirmed;) but for your Petition you may speak. Truly, my lords, said Davison, my Question shall be such as in your own conscience shall seem reasonable. Whereat they neither gave him leave nor denied him.—Whereupon Davison said, If this Warrant, being signed and sealed, and left with me, and wanting nothing but execution, it should have fortuned her majesty should have miscarried, whether then—Nay, said Wraye and Mildmay, now you enter into that which is discussed already: yea, said Manwood, that Question was moved by my lord Gray.

Well then, said *Davison*, I will not seek for present enlargement of my liberty, nor release of my Imprisonment, although my body be not well able to endure it; only let your honours clear me, I beseech you, of all blemish of dishonesty, and be mediators for me, that I remain not in her majesty's disfavour and disgrace: for I protest I shall be contented with any condition and state of life whatsoever, if I may have her majesty's favour.

Whereunto the Lords universally answered, he spake like a good subject. And so the Court arose.*

* "Davison thus excused himself in an apologetical Discourse of his to Walsingham: 'The Queen,' says he, 'after the departure of the 'French and Scottish ambassadors, of her own 'motion, commanded me to deliver her the 'Warrant for executing the Sentence against 'the Queen of Scots. When I had delivered 'it, she signed it readily with her own hand: 'when she had so done, she commanded it to 'be sealed with the Great Seal of England; 'and in jesting manner said, Go tell all this to 'Walsingham, who is now sick, although I 'fear he will die for sorrow when he hears it. 'She added also the reasons of her deferring it 'so long, namely, lest she might seem to have 'been violently or maliciously drawn thereto; 'whereas in the mean time she was not ignorant how necessary it was: moreover, she 'blamed Pawlet and Drury, that they had not 'eased her of this care, and wished that Walsingham would feel their pulses touching this 'matter. The next day after it was under the 'Great Seal, she commanded me, by Killigrew, 'that it should not be done: and when I had 'informed her that it was done already, she 'found fault with such great haste; telling me, 'that in the judgment of some wise men, another course might be taken. I answered, that 'that course was always best and safest which 'was most just. But fearing lest she would lay 'the fault upon me, (as she had laid the putting of the duke of Norfolk to death upon the 'lord Burleigh) I acquainted Hatton with the 'whole matter, protesting that I would not 'plunge myself any deeper in so great a business. He presently imparted it to the lord 'Burleigh, and the lord Burleigh to the rest of 'the council, who all consented to have the 'Execution hastened, and every one of them 'vowed to bear an equal share in the blame, 'and sent Beale away with the Warrant and 'Letters. The third day after, when by a 'dream she was told of the queen of Scots' 'Death, I perceived that she wavered in her 'resolution; I asked her, whether she had 'changed her mind? She answered, No: but 'another course, said she, might have been devised. And withal she asked me, whether I 'had received any Answer from Pawlet? Whose 'Letter when I had shewed her, wherein he 'flatly refused to undertake that which stood 'not with honour and justice; she waxing angry, accused him and others (who had bound 'themselves by the Association) of perjury and 'breach of their vow, as those that had promised great matters for their prince's safety, 'but would perform nothing; yet there are, 'said she, who will do it for my sake. But I 'shewed her how dishonourable and unjust a 'thing this would be; and withal into how 'great danger she would bring Pawlet and 'Drury by it: for if she approved the fact, 'she would draw upon herself both danger and 'dishonour, not without censure of injustice: 'and if she disallowed it, she would utterly 'undo men of great desert, and their whole 'posterity. And afterwards she gave me a 'light check the same day that the Queen of 'Scots was executed, because she was not yet 'put to death.'" Camden's Eliz. in 2 Kennet, 538.

Freebairn, in his Life of Mary queen of Scots, p. 269, says, "Queen Elizabeth sent orders to Pawlet, on whose obedience she could reckon with certainty, for committing of any act of barbarity to make away with his prisoner, the

Though the above Trial of Mr. Davison is very full, yet the underwritten one, copied from a MS. in the Bodleian Library, under the title *Juridici*, 7843. 862. p. 235. being something different, taken by an eye-witness, and being short, we hope it will prove acceptable to the Reader, especially as it relates to the Treasons of Mary Queen of Scots.

Ex MS. penes Rob. Sherrell, 28 Martii 1587.

THE Proceedings against Mr. Davison in the Star Chamber, by Commission not read, but directed to these thirteen following:

1. The Lord Chief Justice of England, as Lord Privy-Seal for that day. 2. The lord archbishop of Canterbury. 3. The lord archbishop of York. 4. The earl of Worcester. 5. The earl of Cumberland. 6. The earl of Lincoln. 7. The lord Gray. 8. The lord

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Queen of Scots;' and pp. 270, 271 and 272, inserts a Letter from Walsingham and Davison (her two secretaries) to sir Amyas Pawlet, with his Answer, which were found among sir Amyas Pawlet's Papers; a Copy of which transcribed from the Originals, were sent to Dr. Mackenzie, by Mr. John Urry, of Christ-Church College, Oxford.

The Letter wrote to Sir Amias Pawlet and Sir Drew Drury.

'After our hearty commendations, we find 'by a speech lately made by her majesty, That 'she doth note in you both a lack of that care 'and zeal for her service, that she looketh for 'at your hands, in that you have not in all this 'time (of yourselves without other provocation) 'found out some way to shorten the life of the 'Scots queen, considering the great peril she is 'hourly subject to, so long as the said queen 'should live; wherein, besides a kind of lack 'of love towards her, she wonders greatly that 'you have not that care of your own parti-'cular safeties, or rather the preservation of 'religion, and the public good and prosperity 'of your countries, that reason and policy com-'mandeth; especially, having so good a war-'rant and ground for the satisfaction of your 'consciences toward God, and the discharge of 'your credit and reputation towards the world 'as the oath of association, which you both 'have so solemnly taken and vowed; espe-'cially the matter wherewith she standeth 'charged, being so clearly and manifestly 'proved against her: and therefore she taketh 'it most unkindly, that men professing that 'love towards her that you do, should in a kind 'of sort for lack of the discharge of your 'duties, cast the burden upon her, knowing, 'as you do, her indisposition to shed blood; 'especially, of one of that sex and quality, and 'so near to her in blood as the said queen is. 'These respects, we find, do greatly trouble 'her majesty; who, we assure you, hath sun-'dry times protested, that if the regard of the 'danger of her good subjects, and faithful ser-'vants, did not more move her than her own 'peril, she would never be drawn to assent to 'the shedding of her blood. We thought it 'meet to acquaint you with these speeches 'lately passed from her majesty, referring the 'same to your good judgments: and so we 'commit you to the protection of the Almighty.

'Your most assured friends, FRA. WALSING-'HAM, WILL. DAVISON.' London, February the 1st, 1586.

Directed thus:

To the Right Honourable Sir Amias Pawlet, knight, one of her Majesty's Privy-Council:

This Letter was received at Fotheringay the 2nd of Feb. at five in the afternoon; and, in another Letter from Mr. Davison, of the 1st of Feb. to sir Amias, he says, 'I pray you let 'both this and the inclosed be committed to 'the fire, which measure shall be likewise met 'to your Answer, after it hath been commu-'nicated to her majesty for her satisfaction.' And in a Postscript of another Letter from Mr. Davison to him, dated the 3rd of Feb. 1686, he says, 'I intreated you in my last Letters, 'to burn both the Letters sent you for the argu-'ment's sake; which by your Answer to Mr. 'Secretary (which I have seen) appeareth not 'to be done; I pray you let me intreat to 'make Heretics of the one and the other, as I 'mean to use yours after her majesty hath 'seen it.' And in the end of the Postscript, 'I pray you let me know what you have done 'with my Letter: because they are not to be 'kept, that I may satisfy her majesty therein, 'who might otherwise take offence thereat; 'and if you treat this Postscript in the same 'kind, I shall care not a whit.' But it seems none of them observed this; for amongst the same Papers, is the following Letter to sir Francis Walsingham:

'Sir; Your Letters of yesterday coming to 'my hands this present day, at 5 p. m. I would 'not fail, according to your direction, to return 'my answer with all possible speed; which 'I shall deliver unto you with great grief 'and bitterness of mind, in that I am so un-'happy, as living to see this unhappy day, in 'which I am required by direction from my 'most gracious sovereign, to do an act which 'God and the law forbiddeth. My goods and 'life are at her majesty's disposition, and I am 'ready to lose the next morrow, if it shall 'please her; acknowledging, that I do hold 'them as of her meer and most gracious favour, 'and do not design to enjoy them but with her 'highness's good liking: but God forbid I 'should make so foul a shipwreck of my con-'science, or leave so great a blot on my poor 'posterity, and shed blood without law or war-

Lumley. 9. Sir James A-Croft*. 10. Sir Walter Mildmay. 11. The Master of the Rolls. 12. The lord Chief Baron. 13. The lord Anderson.

The Sum of that which was proposed, and enforced against him by her majesty's Counsellors at the law.

The Matter laid against him is a great and heinous indignity, as her majesty taketh it, committed by him in this last Proceeding against the late Scotish queen, which although it were in itself most just and honourable, yet in the manner of dealing concerning it, Mr. Davison is charged by her majesty with want of duty, &c. For whereas by the manifold defects of the said queen, and that in the judgment of all the realm in parliament her life was now to satisfy the law, and thus necessary for the preservation of the whole realm, as was shewed; yet her majesty, of her natural most gracious and merciful disposition, after the so honourable condition and proclamation of the S. queen's guiltiness, notwithstanding so many important allegations and vehement intercessions, could not be brought to condescend to the Execution; rather desiring by all means possible, if there were any hope of amendment and reclaim, to spare where she might honourably spill, than to spill where she might honourably spare; and in this mind she continued from October to the end of January. But when she saw that her malicious enemies daily increased their wicked attempts against her and the state, that rumours were spread and information given daily of attempts by invasion, by rebellions, by violence upon her royal person, to work a change and delivery of the said queen, she most wisely resolved at length to have a Bill or Instrument, signed according to law and justice, in a readiness; whereby upon all occasions or occorrences, she might be executed: and this of special choice and trust, she thought good to commit to Mr. Davison, willing him to carry it to the Lord Chancellor, to have it under the broad-seal, but withal charged him to keep it very secret, and not to make any acquainted with it. The very same day he carried it to the seal, and the next day after having received charge from her majesty, by the Lord-Admiral, that stay should be made, if it was not sealed; but be declared it was sealed the day before, &c. whereto the Queen replied, What needs that haste? The next day after this, (which was, I think, on Candlemas-day) my Lord Treasurer asked him, If he knew what mind the queen had towards the Execution? He answered, To have it go forward; and so shewed it to him, and after to the rest of the council, procuring their Warrant down to present execution, the queen having not notice nor knowledge of this; and after, when she conferred with him about another course to be taken, he concealed from her what had been done therein. These chief matters were proved by his own Confession in an Examination before taken and urged against him, both in respect of himself being bound to especial obedience, not only as a subject, but as a servant, a counsellor, a secretary so much trusted, and yet not to keep secret, where special charge was given him; and in respect of the queen, so good and gracious a prince, so well deserving of him, the fountain and head of all justice and authority amongst us, and yet not to be made privy of the doing of such an act of so great a quality and importance as that was, wherein she had shewed herself always, (and that most apparently) whereof Mr. Davison could not be ignorant, both backward and unwilling to yield to that which all her realm desired and sued for at her hands; yet Mr. Davison, contrary to her known mind, procured with such haste (of what good purpose in himself, this would not regard); but with apparent want of duty to his sovereign, which did more appear in his concealing his proceedings when she purposely talked with him of that matter as aforesaid; all which they left to the Counsellors to judge of.

Mr. Davison's Answer for himself.

Notwithstanding at the bar, whither he was brought by his Keeper, sir Owen Hopton, being faint by reason of his late sickness, and carrying his left arm in a scarf, benumbed I think by his late taken palsy, he spake somewhat faintly, unaudibly; though being required by his Commissioners to speak higher, yet desired favour to speak as he could, which was to this effect: First, protesting that he was not guilty to himself of any wilful disloyalty, or breach of duty, but that he did always since his first employment in her majesty's service, endeavour to bear himself most serviceable and unblameable; and he took therein her majesty's own self and God to witness; confessing also, that his skill and experience was not yet great in this latter kind of service, whereto he was without his suit and above his expectation called: and for the matter protesting also, that he would not for any danger, no not present death, in justifying himself, disclose any private speech

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'rant; trusting, that her majesty, of her accustomed clemency, and the rather by your good mediation, will take this my answer in good part, as proceeding from one who never will be inferior to any Christian subject, living in honour, love and obedience towards his sovereign; and thus I commit you to the mercy of the Almighty. Your most assured poor friend, A. PAWLET. From Fotheringay the 2nd of February, 1586.'

P. S. Your Letters coming in the plural number, seem to be meant to sir Drew Drury, as to myself; and yet because he is not named in them, neither the Letter directed unto him; he forbeareth to make any particular answer, but subscribeth in heart to my opinion.

D. DRURY.

* In the above Trial, called Croft. But in the Trial of the earl of Arundel, A. D. 1589, he is called A-Crofts. See No. 66.

or commandment that passed betwixt her majesty and him; nor would he by any means enter into any affirmation or avowing, which could not stand with his dutiful regard to her majesty's honour, &c. but would admit all that against him: and farther, that he would not in any part disclaim my Lord Treasurer's Reports or testimony against him. But to the matters, he answered, first, That he was sorry that a fact of that importance and necessity, so honourable and profitable for the Commonwealth, should be so heavily taken against him; wherein he might take it on his soul, that he did nothing but that which in his understanding might be agreeable to her mind, neither did he otherwise conceive of her meaning and purpose; and that upon these inducements:—First, the consideration of the thing itself, so just, so necessary, so honourable, so vehemently sued for by the whole realm. Secondly, in consideration of her majesty, so gracious and wise a prince, so loving and careful of her subjects and commonwealth; and more strongly in consideration of her words, which she used at the first delivery of the Bill, 'Now you have it, let me be troubled no more with it.' Besides the sufficiency and perfectment of the said Instruments for the said purpose, which was had by her directions, viz. as under the Great-Seal, all which were in his understanding proof enough what her meaning was, neither was there any apparent and direct countermand, without the which he took that instrument to be irrevocable. For the charge of secresy, he conceived her meaning was, that it should be kept from the common and public knowledge only; for she being a prince so wise, did in his judgment consider what violent attempts the favourites of the S. queen might by likelihood offer in that desperate plunge, if it should be known that such a Warrant was signed for her execution, and not from her Council. For her majesty's self after willed in his way to the Lord Chancellor, to impart it to sir Francis Walsingham, that then lay sick at his house at London; herself made my Lord-Admiral privy to it, in sending him to stay the seal *ut supra*, and my Lord Chancellor by sealing must needs have some knowledge of it; and then why should he think the Council should not know it, being Privy Counsellors and Counsellors of Estate, if he imparted it to none but to my Lord Treasurer, and he to the rest, and that excusably in regard of the great credit and trust that her majesty usually reposeth in my Lord Treasurer for matter of greatest moment and weight. Secondly, for sending down the Warrant, he did it not without the opinion of the Council, and therefore no presumption in him; and in his own judgment, he had sufficient warrant so to do by the first delivery of it from the queen herself. Then considering the troublesome rumours that were then abroad, and that information came daily from Ireland and Wales of forces of people in arms, and the report scattered abroad that Fotheringay-Castle was broken, the prisoners gone, that London was fired, and her majesty made awny, amongst these terrors what should I do? Did I not that which any honest man and good subject would do in such a case? Further, it is not custom in court that particularities should trouble her majesty in the execution of any such bills: but when she hath given, by her royal assent, warrant, authority and life to it, the rest for the manner and means of execution is left to the council; and for all other circumstances of time, when; of place, where; of persons, by whom; especially in this cause when her majesty had said expressly that she would not be troubled any more with it. Thirdly, for the not imparting of it to her upon her communication with him, &c. 'I had it by me five or six weeks before she spake any thing more of it, and was very unwilling to trouble her any more with it, especially remembering her words.'

This was the effect of his Defence, not uttered continuately, as I have set it down, but interruptly to the particulars as they were objected, in much more forcibly large and choice terms; but I think that I have not left out any thing of weight. After this, the Commissioners began to speak judicially unto the matter, whose Speeches I will by way of abridgement note, where any thing was spoken different from others, and especially notable; for most of them had the same beginning of the Scotish queen's demerits, &c.

1. The first that spoke was Sir *Walter Mildmay*.—He handled eloquently the great causes the Queen had to deal severely with the Scotish queen, and the importance of the Parliament thereto, and her majesty's patience in forbearing, her wisdom in being willing, her natural and accustomable clemency in being slow; and compared her slackness with Mr. Davison's haste, though he knew her mind herein very well. Then he shewed, that such things might not in any wise be extorted from princes, and that persuasions and entreaties are the uttermost that subjects can offer; for the prince's heart is in God's hand to dispose of. As for the Council, it is known that no prince's counsellors are farther made privy to any thing, than that it pleaseth the prince, and oftentimes that is imparted to one that is concealed from another with great cause; and therefore you should not presume farther than you had express leave, much less to have been an encouragement to the rest to proceed therein upon your own opinion, howsoever your desire was for the end good and honest, especially seeing there hath not been the like example. So he concluded that the punishment should not be in regard to the man's ability, but to the quantity of the crime committed, (by his judgment) ten thousand marks, and imprisonment during her majesty's pleasure. To which all after agreed.

2. Sir *Roger Manwood*, Lord Chief Baron.—The second, shewed at large the Scotish Queen's perpetual evil mind to our queen, to bereave her of her crown in her life-time, as her usurping the Arms and Stile of England in posses-

sion, when she was first (out of the shell) married into France, her dissembling of it in her widowhood, by laying the fault upon her late husband, and yet then seeking to be proclaimed heir apparent in the life of her eldest sister, (for she never called her dear sister) which was a dangerous step to her purpose. After, in her second marriage, her bloodiness in consenting to her husband's murder, and upon that, flight and deprivation; her protection here by our queen not only in life, but in honour; yet her assenting to the purposes of the duke of Norfolk; and yet after that, though then our queen would not suffer her for that to be touched, nor any way disabled, as many would have had her, not only agreeing to traitorous plots, but also complotting with them, and therein going beyond them all, so as we could never be in quiet, but we had a Somervile, and then an Alden, then a Throckmorton, then a Parry, and now lately Abington and Babington; her majesty at length was forced to use a little severity with her accustomed mercy, and one ounce of one with ten of the other. For even in this proceeding against her, she might have been by the statute of Edw. 3, by a Jury of esquires and gentlemen, attainted and burned, and her blood corrupt; yet her majesty did chuse by a new order to deal more honourably with her. Then he came to this fact of Mr. Davison's, which he amplified by the consideration of her majesty's mind in all this, proceeding as the other did before: the thing he took to be Misprision and Contempt in our law, punishable by fine and imprisonment; and he said, that Misprision and Contempt is to do any thing contrary to, or besides the prince's commandment in point of Justice, not in other things; as Justices of Westminster to sit out of Term, to raze Indictments or Records; and so he gave other examples, as in the Ministers of the Law, viz. Sheriffs to execute their offices, to return knights to the Parliament without their Oaths. So this thing then being so high a point of justice, was not in any respect to be done otherwise than her majesty's express commandment would bear, especially not with such haste, when she expressly declared her mind to the contrary; wherein Mr. Davison may seem by this haste, if her majesty had any other purpose, to have prevented her, and God might otherwise have turned her mind; for it is not strange to hear of mutation in her majesty in respect of this, as in the Execution of the duke of Norfolk, day and day was appointed, and often her majesty declared her unwillingness and lothfulness to have put him to death, if otherwise the law might have been satisfied. The commandment to impart it to sir Francis Walsingham in especiality, was an excluding the rest in generality; and farther, what he told my Lord Treasurer could not be gathered of her majesty's words, but rather the contrary; and the instrument was not so peremptory and irrevocable as he took it, nor a sufficient Warrant for any kind of proceeding against the Scotish Queen, neither for the associates, nor for any other: for the last Statute, besides the condition and Proclamation, doth require the queen's direction, and that must be either general, that all men may do it, which is not here granted; or particular, who, or by what means: neither is there here any such, especially her majesty having no knowledge of the thing done. Further, she was the Queen's prisoner, and therefore no man might pretend to take her away, or deliver her without special privity from the queen: and lastly, he shewed, that the good intent was no warrant to transgress duty; whereof he put a case or two, as where Judgment of death is given against one, and the Sheriff, for that he is a notorious thief or traitor, will hang him presently, before the Justice depart out of town.

3. Lord *Anderson*.—He noted a difference in law between Misprision and Contempt, that one was larger than the other, and both in point of justice, and might be when the Warrant of a Justice, or a Commissioner's Letter in such matters is not directly and straitly observed; and urged, that a Secretary should be secret, and that it was his duty to have an express commandment.

4. Sir *Gilbert Gerrard*, Master of the Rolls.—He handled the same matter that before is spoken by others, but somewhat otherwise.

5. Sir *James A-Croft*.—He shewed his mind indifferently, with protestations of his good-will and good opinion of the man; that it was a rare example, and committed, as he thought, for want of experience more than for want of duty.

6. Lord *Lumley*.—He was somewhat sharp. Such Commissions of execution are sent to Sheriffs; you no sheriff, ought to be very particular for such great personages; you had no more Commission than I, &c. and of likelihood you have hereby prevented other good purposes, which God might have put into her majesty's mind, and herein you have seduced so many grave Counsellors, &c. If you were my brother, I would think ten times so much to be little enough, &c.

7. Lord *Gray*.—He proposed very vehemently the great exigence the good gentleman was in at that time: My good lords, consider, quoth he, and call to mind in what case we were daily, there came advertisement of forces come and arrived in Ireland, in Wales, advertisements from abroad, from our provinces at home, even within 15 miles of this City, of rising, firing, breaking up holders, yea of the destruction of her majesty's royal person: if otherwise than well had come to her majesty's royal person, which of us would not have run to him, and torn him with our hands? My lords, why should Davison be more zealous and forward for his prince than we? After he replied to that of my Lord Chief Baron, that the telling of sir Francis Walsingham did not exclude the rest, as he proved, but rather implied and presupposed that the rest should know it: for without this especial information, he being sick in his house, and so absent from the Court,

could not in any due time have knowledge of it. After he agreed to the Punishments but wished that her majesty should have compassion on him to encourage others that were zealous to deserve well of her and the state, and so he ended. *Vulgique secutum ultima murmur erat.*

8. Earl of *Lincoln* said little to the purpose.

9. Earl of *Cumberland* was very short.

10. Earl of *Worcester* was short, and as before.

11. Archbishop of *York* discoursed theologically of the necessity and worthiness of the virtue of obedience, even strictly to princes in all things: and that *non faciendum malum ut inde veniat bonum*, adding the difference between *bonum* and *bene*, (as before my Lord Chief Justice of *justum* and *juste*, which I forgot afore to relate) and good intents do not make the fact excusable, and that he ought to have a direct, express, and iterated command; whereto he cited a Rule out of Civil Law, (wherein he said he was so sound and conversant) to this purpose, If the Prince commanded *aliquid magnum de libera, tenta si persistat, et habe secundam jussionem*: he concluded, he did agree to the punishment, but was sorry that Mr. Davison, of whom he had heard so well, should fall into this cause, he could not help it; a wiser man might have been led with zeal, and none of us would have it undone.

12. Archbishop of *Canterbury*, having said first somewhat of her who troubled us all both alive and dead, and theologically of *misericordia puniens*, as out of the Psalm, where God plagueth the enemy of his Church, 'for his mercy endureth for ever;' for this present matter, he said, *non factum, sed modus*, was in question, a thing done, as he thought, unfeignedly of zeal, and that which might have been better done in consideration of her majesty's purpose to forbear her death, which could not be unknown to Mr. Davison; for such things are by no means to be wrested from princes, God will extraordinarily move their hearts, and when it shall be most for his glory. This example he said, might be dangerous and inconvenient hereafter; and therefore he concluded it rather a mischief than an inconvenience, and so agreed to the punishment.

13. L. C. J. *Wraye* as chief, concluded the matter, and pronounced Judgment judicially upon the grounds alledged before of others, which he enforced, &c. And after, as from her majesty, spake somewhat to justify her proceedings in all these matters, and to declare that she did not for this impute any fault to her Council, for that they were misled by this man's undue suggestions.

Mr. Davison submitted himself to the judgment of the queen's mercy, and requested that he might propose a question, which he took upon his credit to be such as they would not dislike, and therefore he had leave; and a request. His question was, If this being in my hands, her majesty had miscarried, what should have become of me? To this, sir Walter Mildmay and my Lord Chief-Baron answered, that my lord Gray had moved it already. His request was not for mitigation of his Fine, nor for enlargement of Prison, although he could never in all his life worse bear it than now; much less for his former estate: than only that he might with her majesty's favour enjoy any condition whatsoever, requesting them to be intercessors for this. Nothing to this was said, but they arose and departed.

These I am sure are the principal matters by any of them uttered, so far as by myself, or by my conference I could recal to mind.

Ex Autographo Gulielmi Nutti, qui oculatus testis adfuit.

66. The Trial of Philip Howard, Earl of Arundel, before the Lords, for High Treason: 31 Eliz. 18th of April, A. D. 1589.*

FROM the outward Bar in the King's-Bench, there was a Court, made of 30 foot square, within which was a table of 12 foot square, covered with green cloth; and in the same Court were benches to sit upon, covered with green say. In the midst of the same Court, at the upper end, was placed a cloth of state, with a Chair and Cushion for the Lord Steward: from the midst of the same Court, to the midst of the hall, was built a Gallery for the Prisoner to come upon to the Court, in length 110 foot, and in breadth 15 foot, and in height from the ground 6 foot, railed round about, and going down with seven steps.—Between eight and nine of the clock in the morning, the earl of Derby, Lord Steward his grace, entered the Hall, attended by divers noblemen and officers, four Serjeants at arms, with their maces, waiting before him; next before his grace the earl of Oxford, Lord Great-Chamberlain of England. My lord of Derby's grace being seated in his chair of state, every nobleman was placed in his degree, by Garter king of Heraults. At his grace's feet did sit Mr. Winckefield, one of her majesty's Gentlemen Ushers, holding a long white wand in his hand, being accompanied with Mr. Norris, serjeant of the Garter. Before them did sit Mr. Sandes, the Clerk of the Crown of the King's-Bench.

Opposite against my lord's grace did sit the queen's learned Counsel, viz. 1. Serjeant Puckering. 2. Serjeant Shettleworth. 3. Mr. Popham the Queen's Attorney-General. 4. Mr. Egerton, the Queen's Solicitor.

The Names of the Commissioners on the Right-Hand sitting upon a lower Bench, under

* Camd. Eliz. sub anno 1589. Part 2. p. 3. mihi.

the Lords of the Jury. 1. Sir Francis Knowles, kt. Treasurer of the Houshold. 2. Sir James a Crofts kt. Comptroller of the Household. 3. Sir John Parrat, one of her majesty's most honourable Privy-Council. 4. Mr. Wolley, Secretary of the Latin tongue, of the Privy-Council. 5. John Fortescue, Master of the Wardrobe, and of the Privy-Council. 6. Dr. Dale, one of the Masters of Request to her majesty. 7. W. Fleetwood, Serjeant at Law, and Recorder of London. 8. Mr. Rockby, Master of Requests, and Master of St. Catherine's.

The Names of the Commissioners on the Left-Hand. 9. The Lord Chief Justice of England, sir Christopher Wray. 10. The master of the Rolls, sir Gilbert Gerrard. 11. The Lord Chief Justice of the Common-Pleas, Edmund Anderson. 12. The Lord Chief Baron of the Exchequer, Roger Manwood. 13. Justice of the Common-Pleas, William Periam. 14. Justice Gawdy, of the King's-Bench. The Serjeant at arms, usually attending on the Lord Chancellor, named Roger Wood, was commanded to make an O Yes three times. Then Mr. Sandes, Clerk of the Crown, read the Commission. And sir Francis Knowles, kt. gave up the Verdict of the great Assize. Then was called Matthew Spencer, Serjeant at Arms, to return his Precept; which was returned and read.

After that the noblemen and peers of the Jury, for his Trial, were severally called by their names, as followeth: 1. William lord Burleigh, Lord Treasurer of England. 2. Edward earl of Oxford, Lord Great Chamberlain of England. 3. William lord marquis of Winchester. 4. Henry earl of Kent. 5. Henry earl of Sussex. 6. Henry earl of Pembroke. 7. Edward earl of Hereford. 8. Henry earl of Lincoln. 9. Henry lord Hunsdon, Lord Chamberlain of her majesty's Household. 10. Peregrine Lord Willougby of Eresby. 11. Lord Morley. 12. Lord Cobham. 13. Arthur lord Grey. 14. Lord Darcy, of the North. 15. Lord Sandes. 16. Lord Wentworth. 17. Lord Willoughby of Parham. 18. Lord North. 19. Lord Rich. 20. Lord St. John of Bletsho. 21. Lord Buckhurst. 22. Lord De la Ware. 23. Lord Norris.

Then the Lieutenant of the Tower was called to return his Precept, and to bring forth his Prisoner, Philip earl of Arundel. The earl came into the Hall, being in a wrought velvet gown, furred about with martins, laid about with gold lace and buttoned with gold buttons, a black sattin doublet, a pair of velvet hose, and a long high black hat on his head; a very tall man looking somewhat swarth-coloured. Then was the earl brought to the Bar, with the ax carried before him by Mr. Shelton, gent. porter of the Tower, being accompanied with sir Owen Hopton, kt. lieutenant of the Tower, sir Drew Drury, constable of the Tower for the time, Mr. Henry Bronkard, and others. At my lord of Arundel's coming to the Bar, he made two obeysances to the state, and to the nobles, and others there present. Then did Mr. Sandes, Clerk of the Crown, say he was indicted of several Treasons, and said unto him, 'Philip Howard, earl of Arundel, late of Arundel in the county of Sussex, hold up thy hand.' He held up his hand very high, saying, 'Here is as true a man's heart and hand, as ever came into this Hall.'

Mr. Sandes then read the Indictment:

"That whereas divers traitorous persons, in the parts beyond the seas, being natural English-men, viz. Dr. Allen, Parsons, Champion, Mott, and divers others, have heretofore, divers and sundry times, with sundry persons, as well Englishmen as of other countries, practised to accomplish and bring to pass several dangerous and unnatural Treasons against the queen's majesty, her royal person, crown and dignity, viz. to subvert the state, invade the realm, to set up catholic Religion, to raise insurrections, &c. among which number of unnatural Traitors the earl of Arundel was well acquainted with that notorious Traitor Dr. Allen, by means of Bridges, Weston, Itbill, and other popish priests, with whom, divers times, sithence the 20th year of her majesty's reign, he hath had private and secret conference, and communication of several treasons; insomuch, that the earl of Arundel did presently dispatch his several Letters by Bridges aforesaid, to Dr. Allen, to wish him at any hand to do something concerning the Cause Catholick; wherein he promised to perform any thing that Dr. Allen should think fit for him to do. And whereas, the 24th day of April, in the 27th year of the queen's reign, he was flying by sea to Dr. Allen, that arch-traitor; and that the bishop of Rome, and the king of Spain, were thereupon solicited by Allen aforesaid, to raise war against this realm: And whereas also the earl of Arundel had understanding of a Bull, that Sextus the fifth, pope of that name, had sent into England for the Excommunication of her majesty, and for the invading of the realm, &c. And that at the Tower, the 21st of July, in the 30th year of her majesty's reign, he did imagine, with other traitorous persons, that the queen was an Heretic, and not worthy to govern the realm; and that he did move and procure one William Bennett, a seminary priest, to say mass for the happy success of the Spanish Fleet; whereupon he had mass, and did help to say mass himself, to that purpose: And having news of the conflict at sea betwixt the Spanish fleet and the English, he procured sir Thomas Gerrard, and divers others, then prisoners in the Tower, to say mass with him for the fortunate success of Spain: and that he made a prayer specially for that purpose to be daily used and exercised amongst them."

Hereupon Mr. Sandes asked the earl of Arundel, if he were Guilty, or not Guilty of the several Treasons comprised in the said Indictment? To this the Earl answered, he would fain know, whether the several Points in the Indictment contained were but one Indictment, yea or no? The Judges satisfied him, it was

but one Indictment, and a matter he need not stand upon.

He desired to know, if they could proceed against him for the Treasons in the statute of 13 Eliz. after the six months were expired; to this he was answered, That they did not proceed against him on that statute, but on the 25th Edw. 3. After this, being called upon to plead, he pleaded Not Guilty; and said, he was well contented to be tried by his peers, and liked the Trial well, that he should be tried by such good noblemen there present, that knew his life: He said, he had been prisoner four years, and twenty-five weeks close prisoner, and that he had been sick and weak, whereby his memory might fail him; and therefore humbly desired my Lord Steward's grace, making three several obeysances on both knees, that he might be heard to make answer to every particular point.

My Lord Steward answered, that there was no other meaning nor intent, and that he should be heard deliberately.

Then did Mr. Serjeant Puckering deliver to the Lords of the Jury, the effect of the Indictment, and other Evidence at large as followeth:

First, that my lord had private and secret Conference with Bridges aforesaid, and divers other Traitors and Seminary priests; and that he had written his Letters to Dr. Allen, to find which way he might further the cause catholic. That he did fast twenty-four hours, and prayed for the happy success of the Spanish fleet. That Allen and others, being arrant Traitors, had taken order, that in the 22d year of her majesty's reign, there should be 50 men in privy coats, and pocket-daggers, to kill the queen; and that one Pain, and one Elliot, were put in trust to perform the same. That my lord was a catholic, and favoured their proceedings.

My Lord answered, He was no Catholic in the 22d year of the queen's reign.

That he secretly was flying out of the realm to Dr. Allen, being an Arch-Traitor; which doth argue my lord to be no good subject. That Throckmorton practising his Treasons by sounding the ports, he did set down in his Catalogue, that a South-west wind would serve from Spain to Arundel-castle in Sussex, and an easterly wind from the Low-countries. That in Throckmorton's Catalogue of all the names of all the noblemen and gentlemen of every shire that affecteth the Catholics; he began in Sussex, and set down the earl of Arundel's name the first. That further, one Mott a priest informed Throckmorton, that he was come over to sound the intents of the earls of Arundel and Northumberland, and others.

My Lord answered, when Mott was in Sussex, he never came there, but always attended at Court.

Mr. *Puckering* said, the Traitors have a good conceit of my lord of Arundel, in knowing him to be affected to the Catholic cause. It was defined, that the Catholic cause was mere Treason. Petro Paulo Rosetto came over to sound noblemen and gentlemen in England.

Then said my Lord, How prove you me to be a Traitor in these points?

Because, said Mr. Popham, you have confederated with Traitors by desiring Dr. Allen in your Letters to employ you any way, that concerned the cause Catholic: because you have been reconciled to the pope; and there was a law made in the 22d year of this queen, That whosoever was reconciled to the pope from the obedience of the queen's majesty, was in case of Treason.

My Lord confessed, That Bridges did confess him, but not reconcile him in any such sort, but only for Absolution of his sins.

Mr. Popham charged him, That he did once submit himself, but sithence fell from his Submission, and therefore practised new Treasons.

He confessed he was acquainted with the priests, and by two of them had been absolved and confessed.

Sithence which time, said Mr. Popham, he came to the church, and fell to the Catholic Cause again, which he cannot do by their order, unless he be reconciled.

My Lord denied, that ever he came to the church after that time.

There was a Letter sent to the queen of Scots by Morgan of France in commendation of two priests, wherein he saith, one of them had reconciled the earl of Arundel.

Edmonds a priest upon Examination, said, that Reconciliation was odious.

My Lord said, These be but allegations and circumstances, and that they ought to be proved by two Witnesses.

It was justified, he said, once in the Star-Chamber amongst the lords there assembled concerning a Libel there in question, That whosoever was a priest or papist was an arrant Traitor.

Mr. Popham said, it was a Discontentment made my lord a Catholic, and not Religion; and that he did disguise himself in shadow of Religion.

There was a Picture shewed, that was found in my lord's trunk, wherein was painted a hand bitten with a serpent shaking the serpent into the fire, about which was written this poesy, *Quis contra nos?* On the other side was painted a lion rampant, with his chops all bloody, with this poesy, *Tamen Leo.* My lord said, one Wilgrave's man gave him the same, with a pair of hangers for a New-year's gift.—One Jonas Meredith being examined, about his communication with a town's-man who commended my lord of Arundel for his forwardness, in that he had often observed my lord at Paul's Cross: this Jonas answered, that he knew he had often been at Paul's Cross in the forenoon, and hath heard a mass with him at the Charter-house, in the afternoon. To this my lord said nothing, but seemed to deny it. My lord being examined in the Tower, of his sudden going away to sea, he answered, To serve the prince of Parma, or whither Dr. Allen should direct him for the Cause-Catholic.

My lord said also, he was going away for fear some statute should be made in the 22d of this queen's reign against the Catholics in that parliament; and that Dr. Allen advised him that he should not go over, if he could tarry here in any safety, because he might be the better able to make a party in England, when they came.—Before my lord's going to sea, he wrote a Letter to be given to the queen after he was gone, wherein he found fault with her hard dealing in giving countenance to his adversaries, and in disgracing him; and that he was discontented with the injustice of the realm towards his great grandfather, his grandfather, and his father. My lord said, Holinshed * was faulty, for setting forth in his Chronicle, that his grandfather was attainted by act of parliament, but shewed no cause wherefore. He said in his Letter, his grandfather was condemned for such trifles, that the people standing by were amazed at it: he found fault also with the proceedings against his father.—Whereby it is apparent, said Mr. Popham, it was Discontentment moved my lord, and not Religion: and fearing lest his friends should think amiss of him, he left a copy of his Letter with Bridges a Traitor to be dispersed, to make the Catholics to think well of him; for, said Mr. Popham, being discontented he became a Catholic, and being so great a man he became a captain of the catholics, which is as much as to be a captain over Traitors. A counterfeit Letter was made 22 days before his going to sea, directed to one Baker at Lynn, there being no such man abiding; wherein was signified, that my lord was very hardly dealt withal by some of the council, and that he was gone into Sussex, and a farther voyage, and that he would come home by Norfolk. This was a counterfeit Letter, said Mr. Attorney, appointed by my lord to be dispersed, to make it known he was discontented. Also Allen sent a Letter to the queen of Scots in cyphers, shewing a great party in England. Allen sent my lord word, if he did come over, he must take a greater title than that of earl upon him, and therefore addrest my lord in this style, 'To Philip duke of Norfolk, earl of Arundel.' Ballington in his Examination said, the queen of Scots sent him word that the earl of Arundel was a fit man to be a chief head for the Catholics. Allen sent word to Rome, that the bull which was last sent over into England, was at the intercession of a great man in England. My lord (said Mr. Popham) was one of the principallest, and acquainted thus far with Allen: *Ergo*, my lord of Arundel, that great man. Dr. Allen made a most villainous and slanderous Book, which was very hard to be got, in which was contained, That the earl of Arundel was a procurer of the last Bull, and the procurer of the Invasion also. The Bull itself was some part read, and the Book was part read also.—My lord being charged on his Confession, being examined, why he would be ruled thus by Dr. Allen, he excused it by saying, that he said he would be ruled by Allen in all things, saving in that did concern her majesty and the state; and thereupon appealed to my Lord Chancellor, and sir Walter Mildmay, who were not present. The Book aforesaid intended, that my lord was a practiser with Allen about the Invasion. Then said my lord, he would serve the queen against all princes, pope, or potentates whatsoever.

The Queen's Solicitor stood upon these Points; and because it was proved, that the earl of Arundel would be ruled by Allen in any thing that should concern the Catholic cause: And for that Dr. Allen hath since that time practised divers monstrous Treasons, and continually hath built upon the help of some chief man in England, there is none yet known of his degree, that hath any thing to do with Allen; and therefore my lord must needs be culpable of all the Treasons Allen hath practised and procured, in flying to Allen to serve the prince of Parma, *ut antea.*

My lord was charged with relieving of divers Traitors, as priests; and that he did converse, and was confederate, with divers and sundry Traitors attainted, indicted and suspected, being prisoners in the Tower, and that he had mass in the Tower; and that if the Spaniards should surprize the Tower, sir Owen Hopton should be put to the rack-house. He was also charged, That divers Papists, Seminaries, and such like, being prisoners in Newgate, and other prisoners, reported, that they hoped to see the earl of Arundel king of England, and that cardinal Allen should direct the crown of England. Before the coming of the Spaniards Fleet, when our Commissioners were in the Low Countries, news was brought to the Tower, that we should have peace betwixt Spain and England; then would my lord of Arundel be pensive. When the Spanish Fleet was upon our coast, and news was brought to the Tower, that the Spaniards sped well, then the earl would be merry. Then when news came, the English Fleet sped well, the earl would be sorry. When news came, the Spanish Fleet was come upon the coast of Kent, my lord said, It is a great wood, and a puissant fleet, we shall have lusty play shortly, I hope we shall plague them that have plagued us. My Lord said, He would not fight against any that came to fight for the Catholic faith. He said, when the Spanish Fleet was at sea, he would have three masses a day for the happy success of Spain. He said also, He would have continual prayer without ceasing for a time, for the good success of Spain, viz. he would have every twenty-four hours five priests to pray two hours a-piece for the defect of laymen, and fourteen laymen to pray every one an hour a-piece for the happy and fortunate success of Spain. He made himself a special Prayer for that purpose, and caused copies in haste thereof to be made. Mr. Shelley, then Prisoner in the Tower, told my lord, That to exercise that Prayer were dangerous, and wished my lord to let it alone: therefore my lord called for the

* Holin. Chron. fol. 3. p. 976. b.

copy of the Prayer again, and would not have it copied. He was charged, That he did conjure sir Thomas Gerrard, knt. to keep counsel in all these matters before set down, who promised him, he would. Bennet also promised to keep his counsel, and divers others. Then were sir Thomas Gerrard, Mr. Shelley, Bennet the priest, and divers others, removed from the Tower to several other prisons, and upon examination confessed all as aforesaid.

My Lord hearing all these matters laid hard against him by Mr. Solicitor, grew into some agony, and called for his accusers face to face; which the learned counsel did not yet yield unto.

He was likewise charged, That he came once merrily to Bennet the priest in the Tower, saying, 'Come, Mr. Bennet, let us pray, that the Spaniards may beat down London-bridge;' and promised to give him a damask gown shortly, and that he hoped to make him dean of Paul's ere it were long: that the time of their delivery was at hand, and willed him in any wise to be secret, for, if he should reveal these things, he would deny them to his face.

When news came to the Tower, that the Spanish Fleet was driven away, my lord said, 'We are all undone; there is no hope for us this year, and the king of Spain cannot provide such a power again these five or six years, some of us may be dead and rotten ere that time.

There were then brought into the Court, *vivâ voce*, upon their several oaths, Anthony Hall, and Richard Young, a justice of the peace, who aimed something by hearsay to the Proof of the former matter. Also sir Thomas Gerrard, Wm. Bennet, Tuchnon, Snoden, and Ithel, and divers others, were closely kept in a place over the King's-Bench, closed in with arras, and were thereupon severally called into the Court, *vivâ voce*, upon their several oaths, to affirm that which is specified before: sithence Mr. Solicitor began to speak, how this Mark Bennet the priest was charged with a Letter written to my lord wherein he should be sorry for the opening of these matters as aforesaid against my lord. One Randal had writ this Letter in Bennet's name, by advice of my lord of Arundel, to blind his practices. Bennet openly denied the writing of that letter; whereupon my lord Grey and my lord Norris asked Bennet, if he knew of the Letter, yea, or no? For the better Evidence, Bennet confessed, he had been moved to such a matter, but he did it not.—Against sir Thomas Gerrard, my lord stood very stoutly in denial of what he witnessed, willing him to look him in the face, and charging him as he would answer before God, in whose presence he spoke, to tell nothing of him but truth. In answer whereof, sir Thomas referred himself to his Depositions before read, to which he said he was sworn; yea, twice sworn.

There were called into the Court two Witnesses more, viz. one Walton, and one Church, who justified Letters were brought from England to Rehnes, where they both were; which Letters were sent by one Hill, one of my lord's Faction, that the earl of Arundel should be General of the Catholics, when the Tower should be surprised. To Walton, my lord took exception, affirming, that he was a naughty lewd fellow, who had sold that little land he had to three several men: and of the other witnesses he said, that some were attainted, some indicted, bad men and prisoners, and that their words were worth little credit.

Then said Mr. Popham, they were never tortured, but confessed all this willingly, and they are such, as you have accompanied.

Here ended every man's speech, and the noblemen and peers of the Jury went together.

My Lord humbly having submitted himself to the consideration of his peers, with protestation of loyalty; the Lieutenant brought him from the bar unto a seat near unto the court of Common-Pleas, where the Warders attended upon him.

My Lord Steward likewise withdrew himself a little while, as it seemed, to take some refreshment; having all the day for the time of his business, forborn to eat any thing; and presently returned to his seat of state.

Within one hour after, the noblemen of the Jury came every one back, and were again placed by Garter King at arms. Then Mr. Sandes asked every man of the Jury, severally, beginning at my lord Norris, the youngest baron, and proceeding to my Lord Treasurer, the foreman, whether the Prisoner were Guilty, yea, or no? Which every one of them, laying their hands upon their hearts, did protest in their consciences, and upon their honours, that he was Guilty.

Then was the Lieutenant called to bring his Prisoner to the bar, who was brought accordingly, attended as before. Then said Mr. Sandes unto him, That he had been indicted of several Treasons, and that he had put himself upon the trial of his peers, who had found him Guilty; and therefore asked, why Judgment should not be given against him.

Whereupon my Lord making three very low obeysances upon his knees, did humbly submit himself to my Lord Steward's Grace, and the favours of the rest of the nobles and peers there present, and besought them to be mediators for him, that he might obtain at her majesty's hands, to have order taken for his debts, and to have conference with his officers, and to talk with his wife, and to see his infant, born after his imprisonment, whom he had never seen.

Then my Lord's Grace pronounced Judgment, viz. That he should be conveyed to the place from whence he came, and from thence to the place of execution, and there to be hanged until he were half dead, his members to be cut off, his bowels to be cast into the fire, his head to be cut off, his quarters to be divided into four several parts, and to be bestowed in four several places: and so (said my Lord Steward) the Lord have mercy on thy soul!

To this the earl of Arundel said, as it were softly to himself, *Fiat voluntas Dei.* And so having made a low obeysance to the State, the

Lieutenant took him away; Mr. Shelton going before him with the edge of the ax towards him. Then there was an O yes made by the Serjeant at Arms, and the Court, together with my Lord Steward's Commission, dissolved: which done, my lord of Derby took the white wand out of Mr. Winkfield's hand, and broke the same in pieces; and every man cried, 'God save the Queen.'

Whereupon the earl of Arundel was carried back to the Tower, where after several reprieves he died a natural death, October 19, 1595, having been prisoner there ten years and six months; four years whereof passed before he was brought to his Trial.

"An Account" (the preceding) "of this Trial is in the first volume of the present Work" (i. e. the last edition of the State Trials) "with a reference in a note to Camden's Elizabeth, as if the Trial was extracted from that work. But the fact is, that they are different relations of the same Trial; and as Mr. Camden's account, though not so full, appears to us more clear and intelligible, and at the same time occupies little room, we thought that it would not be unacceptable to our readers. It is therefore here given from the English translation of Camden, in bishop Kennet's complete History of England. There are two other narratives of this Trial; one amongst the Harleian Manuscripts at the British Museum; the other in Mr. Collins's Peerage, under the title of The Duke of Norfolk. But on comparison, we find the former to be only an old translation from the Latin edition of Camden's Elizabeth. As to the latter, though Collins cites a Manuscript in the possession of the Howard family, yet he adds scarce any thing of consequence unnoticed by or different from Camden, except that Bennett, one of the witnesses against the earl, is represented previously to the Trial, to have addressed a Letter to him, in which he acknowledged, that he was forced into a confession to the injury of the earl, by fear of the rack, and therefore prayed his forgiveness. We endeavoured to procure access to the Manuscript cited by Collins, with an intention to have gratified our readers with a copy of it: but the application failed of success." Hargrave.]

Extract from 2 *Kenn. Compl. Hist. 2d ed. p.* 551.

On the 18th April 1589, was Philip Howard, earl of Arundel, arraigned in Westminster-hall, and tried by his peers, before Henry earl of Derby, who was created Lord-High-Steward of England on this particular occasion. The persons summoned to attend this Trial, were these following peers: William Cecil lord Burleigh, lord-high-treasurer of England; William lord marquis of Winchester; Edward earl of Oxford, lord-great-chamberlain of England; Henry earl of Kent, Henry earl of Sussex, Henry earl of Pembroke, Edward earl of Hertford, Henry earl of Lincoln, the lord Hunsdon, the lord Willoughby of Eresby, the lord Morley, the lord Cobham, the lord Grey, the lord Darcy of the north, the lord Sands, the lord Wentworth, the lord Rich, the lord Willoughby of Parham, the lord North, the lord St. John of Bletnesho, the lord Buckhurst, the lord La-Ware, and the lord Norris.

Being ordered to hold up his hand, he did so, and moreover used this expression, 'Behold here a clean hand and honest heart!' The heads of his Impeachment were much the same with those mentioned before, Ann. 1586, viz. "That he held a very strict intimacy and correspondence with cardinal Allen, Parsons the Jesuit, and other conspirators, who attempted the ruin of their prince and country, by stirring up foreigners and the queen's natural subjects to bring in Popery, to the total destruction of both: that he had engaged by Letters conveyed by Weston, alias Burges a priest, to assist the said cardinal in advancing the catholic cause, and to that purpose had designed to withdraw privately out of the kingdom: that he was privy to the bull of Sixtus Quintus, which dethroned the queen, and made over her dominions to the Spaniards: that when he was a prisoner in the Tower, he had caused mass to be said for the happy success of the Spanish Armada, and had himself composed a special prayer on that occasion."

Being demanded to answer, whether he was Guilty or not Guilty? he turned himself to the Court and Judges, and made these challenges one after another, 'Whether such a number 'of Articles might lawfully be put into one and 'the same Impeachment?' They answered in the affirmative. Then he demanded, 'Whether presumptive arguments bore any weight 'in an Indictment?' He was answered, 'That 'he might except against them as far as he 'pleased.' Another demand was, 'Whether 'he could stand accused of those things charg-'ed to be Treason, in the 13th of queen Eliza-'beth, after the time limited in the said Act?' They then promised him, 'He should not be 'tryed upon any other law or act of High-'Treason, but an ancient one of Edw. 3.' In the last place, he demanded, 'If that were a 'fair Indictment, which failed grossly as to cir-'cumstances both of time and place?' The answer was, 'That these things signified little, if 'the matter of fact were proved.' After this, being asked a second time, whether he were Guilty or not? he answered Not Guilty, and submitted himself to God and his peers; but desired them to spare his memory, which was impaired by his imprisonment, and ill health, and not to over-charge it with too much variety.

Puckering, the Queen's Serjeant at Law, opened the first part of the charge, viz. That cardinal Allen having engaged with the Jesuits and others against his prince and country, upon which account he was banished the kingdom; yet he the said earl had kept up a correspondence with him by letters, and had expressly written to him to advance the Catholick interest, which, by a fair and modest con-

struction, was a plain inviting of him to invade England. The earl made answer, That all he intended by it, was the promotion of that faith, by the accession of new proselytes. Popham, the queen's Attorney-General, endeavoured to prove, by the Confessions of Savage, Throckmorton, and Babington, that this could not possibly be understood of a free conversion upon the strength of argument; but of a publick invasion by force of arms. Shuttleworth, a Serjeant at Law, made it appear out of the form of the Proclamations put out against the Jesuits and Seminary priests, on what designs they were sent into England: That they were traitors, he proved from the earl's own words; who, upon the hearing of Valonger's cause in the Star-Chamber, in relation to a scandalous Libel of his, said publickly, 'That an hearty 'papist could not but be as thorough a traitor.' But for all this, men of this very principle were among the earl's greatest intimates. It was urged moreover, That he had espoused the faith of the Romish church, and became of consequence a subject to the Romish see; but this he flatly denyed, and demanded that any Evidence might be produced to prove him a professed catholick. He acknowledged indeed, that he had in some instances made Burges his confessor; whereupon it was debated, that none were admitted to the sacraments of the church of Rome, but such as were reconciled to her doctrine and worship; but he was admitted by Gratley, a priest, and therefore a papist before, at least in his heart. This Popham laboured to prove from his own Letters, and that he intended likewise to withdraw beyond sea; that he was an absolute creature of cardinal Allen, and conformed entirely to his measures; for which he was guilty of High-Treason. He then produced Gratley's and Morgan's Letters to the queen of Scots, and made from thence this inference, that the earl owed his change in religion more to sourness and spleen, than to conscience and conviction. Then was produced an emblematical piece found in the earl's cabinet, which had on one side an hand shaking a serpent into the fire, with this motto, 'If God be with us, who shall 'be against us?' and on the other, a lion rampant, without claws, and with this inscription, 'Yet a lion.' He moreover added, That the earl designing to quit the kingdom, was persuaded by the cardinal to alter his purpose, as being a person likely to do the church of Rome more service by his stay in England, than his departure thence; that in a letter to the queen, the earl had reflected severely on the justice of the laws, in reference to the sentence of death denounced against his grandfather and father; that the queen of Scots had recommended him to Babington, as the great patron of the Catholick interest; that Allen had owned that the aforesaid Bull was procured by the applications of a person of figure in England; which could be no other than the earl, because no one nobleman besides, was so intimate with Allen as himself, and whom therefore Allen must needs know to be ill-affected to his country, by what he had heard pass before in the Star-Chamber. Then were read also the Confessions of the lord William, the earl's brother, with those of his sister, the lady Margaret, and his own letters, when he had thoughts of leaving the kingdom. And this gave occasion to magnify the queen's clemency afresh, who would not suffer him (at that very time) to be examined on an Article of Treason, but barely on a point of Contempt. To these Charges the earl answered in the gross, 'That 'as for the Picture, it was a trifle presented 'him by his man: That indeed he had pro-'mised to assist the cardinal in the promotion 'of the Catholick faith, but never at the ex-'pence of his prince and country: That what 'he had written in relation to the Sentence of 'his grand-father and father, was extant upon 'record, and so any one might read it: That 'he was not at all concerned in what the car-'dinal or the queen of Scots might write about 'him, since he stood clear as to fact: That 'it was impossible to restrain other mens pens: 'That he had indeed some design of acting un-'der the prince of Parma, in the wars abroad, 'since the rigour of the laws against Catho-'licks made it not safe for him to stay at home: 'That the Attorney had managed the Letters 'and Confessions, at the same rate that spiders 'do flowers; that is, sucked all the poison out 'of them; but he, for his part, was able to 'extract out of them something more useful, 'might he be permitted to see them.' Then were read Allen's Letters to the queen of Scots, with those of the bishop of Ross, about invading England, that very year he designed to quit it; and the bull of Sixtus Quintus, and several remarks made on Allen's Memorial to the English, printed at Antwerp the year before. He was likewise charged with having assumed this title, Philip duke of Norfolk, which was found among his papers: and it was Allen's advice, that he should in some degree mend his title. These things were brought against him as convictions of Treason before his imprisonment. Egerton, the Solicitor-General, having summed up and repeated the particulars of the Charge, proceeded upon a threefold distinction of time, viz. 'Before the arrival of 'the Spanish fleet; at the instant of its coming; 'and after it fled: And that he had been guilty 'of treason since his confinement: Before the 'fleet appeared, he had been guilty of treason, 'in wishing it happy success; when it was ar-'rived, in making a form of prayer suitable to 'his wishes, and causing the mass of the Holy 'Ghost to be said, and a course of devotions to 'be used for 24 hours together: And then when 'the fleet was gone, in lamenting its defeat 'with all the marks of an extraordinary sorrow; 'as if he had fixed his last hope, and best con-'fidence, in the Spanish armada, which was 'fitted out with a design to ruin his prince and 'country.' These particulars were all made out against him by sir Tho. Gerard, kt. Will. Shelley, condemned for treason, ann. 1586,

Bennet, a popish priest, and some other prisoners. He then muttered in a broken and imperfect kind of tone, that the prayers he made, and the masses he performed, were in order to deprecate a massacre he had heard was designed against the Catholics. Gerard's Evidence he roundly denied; and as he adjured him to declare nothing but the truth, and represented before him the dreadful solemnity of the last day, he so terrified and scared the Evidence, that he hardly was able to speak one word to the purpose. Bennet's attestations he endeavoured to invalidate, as being a man of a tarnished reputation, and who had contradicted himself in his confessions. The rest he taxed as persons impeached, and prisoners, and men likewise of a loose and profligate character; who were far from deserving credit, and who might be suspected to have the liberty of using his conversation with a design to ensnare him in the quirks of the law. Having received a check for this, as too indecent and bold a challenge: upon the Evidence for the queen, at the solicitor's motion, an antient law of Richard 2nd was read, whereby it was declared, That the crown of England was under the command of none but God alone, and that the bishop of Rome had no manner of authority over it. It now growing towards night, and nothing being produced farther against him, the earl was ordered to withdraw: He threw himself wholly upon the Judgment of his peers, protesting his obedience to the queen, and heartily praying they might come to such an issue, as might be most for the glory of God, the safety of the queen, and the integrity of their own honour and conscience. They then went aside, and held a debate, which lasted an hour, and in points of law they consulted the opinion of the Judges and Serjeants. Being returned to their seats, the clerk of the crown demanded of them, Whether the earl were Guilty or not? At which every one of them putting his hand to his breast, as the custom was, declared upon his honour and conscience, that he was Guilty. Then being asked if he had any thing farther to say, why sentence of death should not pass upon him? he only said the same words which his father had done before him, in the same place, God's will be done. Sentence being pronounced, he desired leave to speak with his wife, and that he might see his young son, who was born since his confinement; that he might have the liberty to speak with his stewards, who had the accounts of his estate, and that his debts might be discharged: He likewise humbly desired the queen would take his young son into her favour and patronage. Then the Lord Steward brake his staff, the badge of his place; and the earl was carried back to the Tower, the ax being carried before him, with the edge towards him. There were a great many that most heartily lamented the untimely fall of this young nobleman, (for he was not above 33 years of age at the most) and as many on the other side were ready to cry up the queen's wisdom and caution, who by this example had struck a kind of terror into the more powerful part of the Romish faction. The queen after all gave him his life, and was well enough satisfied in having lessened the power of so considerable a man, and one who was so great a bulwark of the Catholic cause.

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67. The Arraignment of Sir Richard Knightly, and others, in the Star-Chamber, for maintaining seditious Persons, Books, and Libels: 31 Eliz. Feb. 31, A.D. 1588. [MS. in Caius Coll. Cambridge, Class A. 1090. 8. p. 206.]

On Friday, the 13th of February, were brought as prisoners to the bar, before the lords in the High-Court of Star-Chamber, sir Richard Knightly, Mr. Hales, sir —— Wickstone,* and his wife, whose offences hereafter follow. And first,

Mr. Attorney-General *Popham* began, That the prosperous and happy state of her majesty was not unknown unto them all that were present, and so dilated thereon, &c. until two enemies had chosen to disturb this quietness, viz. the papists abroad, who by foreign arms, &c. and the seditious sectaries at home, whereof there are lewd people; next the Brownists and their fellows: but justice had been done on these men, and the law executed. But there is another sort of sectary, that are of no settled state, but seek to transform and subvert all. These men would have government in every several congregation, severally in each province, in every diocese, yea, in every parish; whereupon would ensue more mischief than any man by tongue can utter: they themselves cannot agree among themselves, but are full of envy and emulation; for what greater emulation than to fall to contention, and from contention proceed to violence? But they stay not here, nor contented with railing against the church and the state thereof, but proceed to court and the commonweal, that all things might contribute to preserve unity among the brethren; no law, no order left, all propriety of things taken away and confounded.—But of what sort of people are these sectaries? Of the very vilest and basest sort, and these must make confusion of all state, and so advance themselves in their congregations, this their course and this their purpose; so the heel should govern the head, and not the head the heel, if these men be allowed. Her majesty,

* Neale's Hist. of Puritans, vol. 1. p. 507.

in her great wisdom duly considered the great danger of these inconveniences, took order that no pamphlets or treatises should be put in print, but such as should be first seen and allowed; and farther, lest that were not sufficient, she ordained that no printing should be used any where but in London, Oxford, and Cambridge. Notwithstanding, all this served not, but they would print in corners, and spread abroad things imprinted; wherefore her majesty set forth a proclamation in anno 25, that all Brownists books, and such other seditious books should be suppressed and burnt. Afterwards, when their new, seditious, and infamous libels were spread abroad, her majesty in February last set forth another proclamation, that all her subjects might take warning: but because no reformation is had, she now holds it necessary to proceed in justice: And therefore these men, now prisoners at the bar, but answer to their offences, and receive according to their demerits: and first for their faults. Sir Richard Knightly being a great man in his country, a deputy-lieutenant, who had the government thereof, a seditious and lewd rebel came unto him to have place and entertainment with him, and there sir Richard received him to print: Sir Richard doth confess that Penry told him he would set forth such a like book as he had beforetime set forth for the government of Wales. That book contains sedition and slander most opprobious; and yet sir Richard was contented such a like book should be printed.—But farther, sir Richard sent his man a ring for a token to receive the press into his house, who did so, and there they printed the Epitome, Walgrave himself being the printer; this is a most seditious and libellous pamphlet, fit for a vice in a play, and no other: but then the parson of the parish having found out the printing, told sir Richard that it was very dangerous; whereupon sir Richard caused him to take it down; but neither disliked nor discovered it, but kept it secret, and read the books himself. Again, when it was told him that his house would be searched for the press, he said he would course them that come to search his house; beside, at his recommendation Walgrave was commended unto Mr. Hales, and there had entertainment, and there 'The Supplication to the Parliament,' was printed by Walgrave, and published by Newman, sir Richard's man; and another book, viz. 'Have you any Work for the Cooper?' was there printed likewise. Therein the sectaries themselves confess, that inconvenience would ensue of this government which they so sought to establish; but yet it must be brought in, because they were so determined. And from Mr. Hales's house in Coventry, these books and this press must be conveyed to sir ——— Wickstone's, where Martyn senior, and Martyn junior were both printed; wherein these libellers say, That all laws that any way impugn this doctrine of theirs are not to be obeyed in any cause: then if this be suffered, confusion and disorder must needs ensue. But farther, in these books they affirm that the time doth offer them a great opportunity, as though all things would be suffered in this so troublesome a time, rather than they should any way be disquieted. And for sir ——— Wickstone, albeit he knew the press was in his house, yet he kept secret, and would never discover it, but came many times, and did visit there at the press; and his wife, by whose procurement and persuasions with her husband, they were first received into his house, did often relieve them with meat and drink, and gave them money in their purses. This is the substance and sum of their Offence, which if they will deny, uncontestable and manifest proofs shall be produced against them. And so he concluded.

Hereupon sir Richard Knightly began to answer, and most humbly besought their lordships to consider of his simple wit, and weak capacity, not able to speak in such a place, and before so honourable an assembly: and said, that these mishaps which were now so aggravated against them, were a punishment imposed by God, to put him in mind of other his grievous crimes committed against the majesty of the most highest. He affirmed constantly that he was no sectary, but of that religion, that self-same religion, which he hoped all they which were then present were of, and so he trusted were all other her majesty's loving subjects. And if he should speak any thing amiss, he desired them not to impute it to his ill disposition, but to his wants, which were many, and the more, by reason, of his late imprisonment: and said, he was right glad that their honours were ordained by God, and appointed by her majesty to be his judges at whose hands he was sure to receive nothing but justice; wherefore he besought them to be an intercessor and mediator to her majesty in his behalf, against whom, for any offence committed, or against the state, to his knowledge, he was as clear as any present, and as good a subject as ever came to that bar. He utterly disclaimed the books, and denied to have any familiarity to his knowledge with those that were the writers of them; and shewed that the press was brought into his house upon this reason: there was a book that before-time was printed in Oxford, which to his knowledge was never called in; this book was written by one Mr. Penry, who requested sir Richard that this book might be printed again in his house, and in respect of the want of learning, which he knew to be in the ministry, he did the rather incline an ear unto. For although he must needs confess there were in the ministry some good, yet to his thinking, for one good, there were forty bad; yea, so bad, as he thought them not worthy to sweep the church; and therefore his zeal for the furtherance of God's glory caused him to allow of this book. This, as he said, was about St. James tide was twelve-month, and he had heard nothing thereof again until All-hallow-tide following; and said, that the press was never in his own house, but in a

house, at the farther end of the town. And he said, at Christmas following Walgrave came to him and desired the press, and said that Mr. Cartwright had wrote a book against the Jesuits, which he hoped to print. This is the truth, saith he. He wrote to Mr. Hales to defend a house for a poor man: all this was done before the Proclamation, since which time he never meddled therein, as he said; for my Lord Chancellor most honourably gave him warning to look unto that, which he hath accomplished like a good subject to her majesty to whom he confesseth himself most bounden, as he thinketh all the world is beside; and now hath learned of David, not so much as to touch the hem of the Lord's Anointed. He hopeth her majesty will likewise forgive him, as she hath forgiven greater offences: and besought them all to be good unto him, and he for his part would say with Moses and Paul, That he would rather desire to be wiped out of the Book of Life, than not perform his duty to her majesty. And so he concluded.

Mr. *Hales* began, That albeit it were a great grief unto him to be convented before their lordships, yet in this he joyed that they were his Judges, that were the governors and judges of the land, which could and would do him nothing else but justice; he confessed the blessing of God to be exceeding great unto the Commonwealth for placing her majesty over the same, by whose means we enjoy that peace which other nations want, and we happy that live under her: he disclaimed the books; but he had great reason as he thought to gratify sir Richard Knightly in any thing, to whom he owed much reverence, as him that had married his aunt. Sir Richard desired him to lend his house for a poor man, to the which he condescended; but he knew not the man, nor his intent; he met with Penry in Coventry, at a sermon, who desired him to direct him to his house, there he had 'The Supplication to the Parliament' that was printed at Oxford; he told him he would print Mr. Cartwright's book 'against the Romish Testament:' he was privy that there was a press there, but nothing else. It was an easy matter for a wiser man than himself to be thus overtaken; Penry himself was not indicted nor impeached. And he hoped, if a man ignorantly did receive a Traitor or Jesuit, that it was not treason, unless himself knew of it.

Attorney. You acknowledge you had a book of him?—*Hales.* I do.

Attorney. And you came to the maker of it?

Hales. It was before the Proclamation.

Attorney. It was after.

Hales. It was after the first, and before the second Proclamation. Hereupon was read the first Proclamation, made in 27 Eliz. against Schismatical and Seditious Libels, Dr. Brown, and such others.

Hales. But Mr. Penry's was no Libel, for he subscribed his name.

Attorney. There is no doubt but it is a Libel, though it be subscribed: whereunto Hales said nothing. And then was read the other Proclamation in 31 Eliz. And the Order in the Star-Chamber, made in 28 Eliz. whereby printing was allowed only in London, Oxford and Cambridge.

Wickstone said, he was an ignorant man, and craved he might answer by counsel, which might direct him: whereunto the Lord Chancellor answered, that this was matter of fact which lay most properly within his own knowledge, and that he must provide to answer for himself, and that he needed no counsel.—Whereupon Wickstone confessed, That his wife desired him to permit them a home in his house, which he consented unto, knowing the purpose of them, and that was all.

Lady *Wickstone* confessed that the zeal of reformation in the Church caused her to give them entertainment in her house, and she was the cause that they came thither, not thinking that it had been any way hurtful or dangerous to the state; and she humbly besought, that what fault soever she had committed, her husband might not be punished therefore, since he was not privy, but only by her means and request.

Hereupon Mr. *Puckering*, the queen's Serjeant, began to lay open the enormities of those Books, which they had in court, and divers clauses of them were read. First, he affirmed they tended to the ruin of the whole state, next to the abolishing of all ecclesiastical government, to the removing of all manner of service, the overthrow of laws; and yet, say they, all laws which resist these men, are no more to be allowed than those which maintain stews. But Penry will never give that over, he says, though the Spaniards were overthrown and discomfited by famine and by hunger, yet the Lord will raise them up again, and make a weak and feeble generation to overthrow us. So here was read a great part of the Epitome.

Puckering. This is most scornful and seditious; But what is their conclusion? They conclude, our parliament and councils be assembled where no truth beareth sway: which is most false and scandalous: but if this their government be not received, those of the parliament-house nor their seed shall never prosper, nor they ever bear any more rule in England. And I Penry will never leave, till either this be performed, or that the Lord in vengeance and blood do plague and punish us.—For the other book 'Have you any work for the Cooper?' therein is affirmed that our Church-Government is utterly unlawful: And albeit this form of theirs would be inconvenient in many points, yet every christian is bound to receive pastors, doctors, elders and deacons. For Martin junior, he affirms that it is unlawful to have any other government, that all human laws maintaining any other form are ungodly, and not to be obeyed: that the warrant that bishops have to maintain their authority, is no better than that which did maintain the stews; that antichrist is the head of their doctrine, and they part of his body. For Martin se-

nior, he loudly termeth the book of common service, the . . . . . book at Lambeth, that 100,000 hands would sign to their positions and government which they seek. And further, that they are the strength of the land, that it were no policy to reject their suit at such a time when the land was invaded.

After which, they read sir Richard's Examination, wherein he confessed that Penry came unto him as befose; but when Sharp the minister told him the books were leud and dangerous, he caused them to be pulled down, and that he knew of no book but 'The Epitome.' He sent a ring to his man Jackson by Penry to receive a load of stuff into his house, which was the press and other necessaries for printing. Newman the cobler wore his livery, and Wastal his man helped Walgrave away from his house, to Mr. Hales at Coventry: Fox his schoolmaster, and Wastal his man, would commonly read the books in sir Richard's house, and scoff and scorn at John of Canterbury.

Sharp saith, that sir Richard conferred with Walgrave, as Newman told him The Epitome was printed there: that when it was told sir Richard his house would be searched, he answered, the knaves durst not search his house; and if they did, he would have coursed them.

The printer's man saith, that the 'Mind-All's, were printed there, but sir Richard answered, he never knew so much before. 'Have you any work for the Cooper?' went in hand there, but they went away then to Coventry. The printer's man would have submitted himself long before, but sir Richard advised him not to do so in any case, for the lords were so incensed, as he should be hanged if he were catched. For Hales, Have you any work for the Cooper? was printed at his house, he came once to the press as they were printing it. Mrs. Wickstone confesseth, Martin junior and Martin senior were printed in her house, she gave them entertainment, and placed them in a parlour; her husband knew it not till it was done; she told him, it was works of embroidering, and willed him to will his servants not to peep or pry into the parlour, since it pertained not to them: Hodgskins and two more printed them all. Hodgskins was desired to print more, but he refused. Hodgskins confesseth that he printed them two; and from Mr. Wickstone's they were conveyed to Warrington in Lancashire: She gave them 2*s.* 6*d.* at their departure, and her husband 2*s.*

Upon this Mr. Solicitor Egerton began to declare the danger of these Books, that they tended to confusion of all states, to take away her majesty's prerogative royal, to the diminution of her yearly revenue, where she at this time was forced to sell her revenues for maintenance of her realm and people, to the disherison of a great number of their patronages and advowsons and appropriations, to the abrogating of the common law and the civil law in many points: Whereupon he desired their lordships to proceed to sentence.

All the Lords agreed that the Books were most lewd, dangerous and seditious, and pernicious to the state, most scandalous in respect to our adversaries the Papists, who took occasion of our disagreement: that they were slanderous to her majesty, in accusing her for not maintaining religion. Whereas she for defence of religion only hath scared all the enemies of the state; that the sword of war had been drawn out against her for that cause; nay, the sword of death had compassed her chair in her own chamber [Mr. Parrie and Mr. Barnewell]: Notwithstanding she, nothing dismayed, being of princely magnanimity and fortitude, hath not feared any of these dangers only for religion sake. That they took away her majesty's regal power, disinherited noblemen and gentlemen, took away all property, abolished the reverend estate and calling of bishops, which are one of the three ancient estates of this land; and so they meant to pick out one stone after another, till they pulled the whole house on their heads. That the faults of them there present were gross and grievous; sir Richard, a man highly favoured of the queen, and much bounden more than ordinarily any of his state.

Yet notwithstanding, said Mr. Vice-Chamberlain, you be beloved of all of us, yet justice must be done without affection or compassion; for *puniantur hi, ne tu puniaris*; let the magistrate punish offenders, lest himself be punished. And again, St. Augustine saith, *pereat unus ne pereat unitas*; let the offender rather be punished, than the unity of the church be confounded. That their ignorance was no excuse, that ignorance which was wilful and malicious only to escape the punishment of law, which is as high an offence as any privity. That it was a sillier answer of Mr. Wickstone, to say his wife desired him, a great folly to be ruled by her, and she passed the modesty of her sex to rule him. And sir John Parrot said expressly, he thought him worthy of the greater punishment for giving such a foolish, answer as that he did it at his wife's desire.

The Lord Chancellor gave the assembly that stood by to note, that these prisoners were not the devisers and makers of these books; for if they had, another place had been fit for them, and not this: that the county of Northampton did swarm with these Sectaries, and in one place there was a Presbytery planted among them, till at length one of the brethren had offended, wherefore the other would have punished him; but he, when he should be punished, fled, and complained to a justice of peace, and so their power surceased, and all revealed; whereby he noted the vanity of their government: yea, said he, it is procceded so far in that country, that the people were offull contention, and in some places had risen in arms about that quarrel; whereby he concluded it was necessary to prevent such mischief, and to make example of it, and desired the judges to notify his action herein in their circuits abroad, to the end the whole realm might have knowledge of it, and the people no more seduced with these lewd libellers. For punishment,

they all agreed that sir Richard should be fined 2,000*l.**; Mr. Hales, 1000 marks; Mr. Wickstone for obeying his wife, and not discovering it, 500 marks; Mrs. Wickstone a 1000*l.*†; and all of them Imprisonment at her majesty's pleasure.

* This sir Richard Knightly was divers times chosen member of parliament for the county of Northampton, in the reign of queen Elizabeth. He was a great favourer of the Puritan party, and at the expence of printing their libels, as is reported, being influenced by Snape, and some other leading ministers of this county; these libels were printed by one Walgrave, who had a travelling press for this purpose, which was once brought down to Fawesley, and from thence by several stages removed to Manchester, where both the press and the workmen were seized by the earl of Derby. For this offence sir Richard Knightly, and his confederates, were cited into the Star-Chamber, and severely censured; but upon the intercession of archbishop Whitgift, whom they had most insulted, they were set at liberty, and had their fines remitted. But though thus zealous for the Puritan faction, he joined with sir Francis Hastings in presenting a petition to the house of commons, for granting a Toleration to the Papists. Bridges's Northamptonshire, by Jebb, fol. p. 63.

† Camden says, That at this time several scurrilous pamphlets were published against the church of England by the dissenters; their great patrons and abettors were sir Richard Knightly and Wickstone, persons in other respects sober and pious, but drawn into the party by some instruments that were to make a private market of them. However the knights had a pretty round fine laid on them in the Star-Chamber: but the archbishop of Canterbury was so generously good-natured, as to procure a remission of it at her majesty's hands. See Camden's Eliz. in the Complete History of England, vol. II. pag. 550.

68. The Trial of Mr. John Udall, a Puritan Minister, at Croydon Assizes, for Felony: 32 Eliz. 24th July, A. D. 1590.

[Wrote by Himself.]

On Tuesday the 13th of January, 1589, I appeared at my lord Cobham's house in the Blackfriers, before my lord Cobham, my lord Buckhurst, my lord Anderson, the bishop of Rochester, Mr. Fortescue, Mr. Egerton, the queen's Solicitor, Dr. Aubery, and Dr. Lewen. Then was I called in before them; whereupon my lord Anderson said unto me.

Anderson. How long have you been at Newcastle?

Udall. About a year, if it please your lordship.

Ander. Why went you from Kingston upon Thames?

Udall. Because I was silenced there, and was called to Newcastle.

Rochester. What calling had you thither?

Udall. The people made means to my lord of Huntingdon, who sent me thither.

Roch. Had you the allowance of the bishop of that diocese?

Udall. There was none at that time.

Roch. Then you should have gone to the archbishop.

Udall. There was no archbishop of York neither.

Ander. You are called hither to answer concerning certain Books, which are thought to be of your making.

U. If it be for any of Martin's Books (according as my Lord Chamberlain's Letters, that fetched me, import) I have already answered, and am ready so to do again.

Ander. Where have you answered and in what manner?

U. At Lambeth, a year and a half ago, I cleared myself not to be the author, nor to know who he was.

Ander. Is this true, Mr. Beadle?

Beadle. I have heard that there was such a thing, but I was not there at it, if it please your lordship.

Aubery, Lewen. There was such a thing, as my lord's grace told us.

U. I am the hardlier dealt withal, to be fetched up so far at this time of the year. I have had a journey I would not wish unto my enemy.

Roch. You may thank your own dealing in matters that you should not have meddled withal.

Ander. It is more than I heard, that ever you were called to answer; but you are to answer concerning other books.

U. I hope your lordships will not urge me to any others, seeing I was sent for about those.

Ander. You must answer to others also: what say you to those books? A Demonstration or a Dialogue, &c. did not you make them?

U. I cannot answer thereunto.

Ander. Why would you clear yourself of Martin, and not of these, but that you are guilty herein?

U. Not so, my lord; I have reason to answer in the one, and not in the other.

Ander. I pray you let us hear what reason, for I cannot conceive of it, seeing they are all written concerning one matter.

U. This is the matter, my lord; I hold the matter proposed in them all to be one, but I would not be thought to handle it in that manner, which the former books do; and because I

think otherwise of the latter, I care not though they should be fathered upon me.

Buck. But I pray you tell me, know you not Penry?

U. Yes, my lord, that I do.

Buck. And do you not know him to be Martin?

U. No, surely, neither do I think him to be Martin.

Buck. What is your reason?

U. This, my lord; when first it came out, he (understanding that some gave out that he was thought to be the author) wrote a Letter to a friend in London, wherein he did deny it, with such terms as declare him to be ignorant and clear in it.

Buck. Where is that Letter?

U. Indeed I cannot now shew you, for I have forgotten unto whom it was written.

Buck. You will not tell where it is.

U. Why, my lord, it tendeth to the clearing of one, and the accusing of none.

Buck. Can you tell where Penry is?

U. No, surely, my lord.

Buck. When did you see him?

U. About a quarter of a year ago.

Buck. Where did you see him?

U. He called at my door, and saluted me.

Buck. Nay, he remained belike with you?

U. No, indeed; he neither came in my house, neither did he so much as drink with me.

Buck. How came you acquainted with him?

U. I think at Cambridge, but I have been often been in his company.

Buck. Where?

U. At divers places, and namely in mine own house whilst I dwelt at Kingston.

Buck. What cause had you to be so often in his company?

U. He being a scholar and student in divinity, and one whom I always thought to be an honest man, your lordship may easily conceive the cause. Here was much to this same effect spoken about Mr. Penry, and my being at Mrs. Crane's house at Moulsey, and with her, &c. which I always answered, as in the like case concerning Mr. Horton of Richmond before the archbishop. Then Dr. Lewen reading my Answers to those Questions, that had been by the Archbishop propounded unto me concerning my Papers in my study, and namely the notes of my several Conferences with the bishops and their officers; I was asked, as I remember, by Mr. Fortescue:

Fortescue. Why did you pen such things, and keep them?

Roch. Because he and such like might apishly imitate the martyrs of former times, and account themselves persecuted by us, as those were by the popish Bishops.

U. The cause is this, for that in the quickness of wit, and readiness of memory in youth, those things may be spoken, that in age will be more easily made use of in writing than otherwise, the memory of man not being infinite.

Ander. What say you, did you make these books, or know you who made them?

U. I cannot answer to that question, my lord.

Ander. You had as good say you were the author.

U. That will not follow; but if you think so, I cannot do withal.

Cob. Mr. Udall, if you be not the author, say so, and if you be, confess it; you may find favour.

U. My lord, I think the author, for any thing I know, did well, and I know that he is enquired after to be punished; and therefore I think it my duty to hinder the finding of him out, which I cannot do better than thus.

Ander. And why so, I pray you?

U. Because if every one that is suspected do deny it, the author at the length must needs be found out.

Ander. Why dare you not confess it, if you be the author of it? Dare you not stand to your own doings?

U. I professed before that I liked of the books, and the matter handled in them: but whether I made them or no, I will not answer; neither of any other book of that argument, whatsoever goeth without name, if you should ask me, for the reason alledged before: besides that if I were the author, I think that by law I need not answer.

Ander. That is true, if it concerned the loss of your life.

U. I pray your lordship, doth not the law say generally, no man shall be put to answer without presentment before justices, or things of record, or by due process, or writ original? &c. Anno 42 Edw. 3. cap. 5.

Ander. That is law, and it is not law.

U. I understand you not, my lord; it is a statute which is in force, if it be not repealed.

Ander. I tell you, by law you ought to answer in this case.

U. Good my lord, shew me this favour, to tell me in what book of the law I shall find it; for I profess to understand the Latin, French and English Tongues, wherein all the laws be written.

Fortes. You are very cunning in the law; I pray you by what law did you preach at Newcastle, being forbidden at Kingston?

U. I know no law against it, seeing it was the official Dr. Hone, who did silence me; whose authority reacheth not out of his archdeaconry.

Fortes. What was the cause for which you were silenced?

U. Surely I cannot tell, nor yet imagine, saving the secret suggestions of Mr. Harvie.

Fortes. To be ignorant of that, is *crassa et supina ignorantia.*

U. No, sir, the action was *crassa et supina injuria.*

Ander. Well, what say you to those books? who made them, and where were they printed?

U. Though I could tell your lordship, yet dare I not, for the reasons before alledged.

Roch. I pray you let me ask you a question or two concerning your book.

U. It is not yet proved to be mine; but I will answer to any thing concerning the matter of the book, so far as I know.

Roch. You call it a demonstration; I pray you what is a Demonstration? I believe you know not what it is.

U. If you had asked me that question when I was a boy in Cambridge of a year's standing, it had been a note of ignorance in me, to have been unable to answer you.

Roch. Surely it seemeth by the frame of the syllogisms and reasons in it, that you know it not, if you be the author of that book: I read none of it late, but in the parliament-time, sitting in a morning in the house, I read some of it; and it seemed to me in many things, not to conclude probably, much less demonstratively.

U. I will shew you, as I take it, why the author called it a Demonstration; because the reason which is usually brought to prove the conclusions, is commonly drawn from a place of scripture, which hath more force in it to manifest the conclusion ἀναλυτικως, than any of Aristotle's proofs drawn, as they say, *ex primis, veris, necessariis, et immediatis causis.*

Roch. Indeed that which is proved by the Scriptures, is proved most demonstratively; but the proofs in that book are far from any such.

U. Let that be the question, and try it in some one.

Ander. My lord of Rochester, I pray you let us make short work with him, offer him a book; will you swear to answer to such things as shall be demanded of you in the behalf of our sovereign lady the queen?

U. I will take an oath of allegiance to her majesty, wherein I will acknowledge her supremacy according to statute, and promise my obedience as becometh a subject; but to swear to accuse myself or others, I think you have no law for it.

Ander. Mr. Solicitor, I pray you tell him the law in this point.

Then Mr. Solicitor (who had sitten all the while very soberly) noting what passed (and if a man's mind may be known by his countenance, seeming to mislike the course holden against me) upon my lord Anderson's commandment, stood up, and putting off his hat unto me, said:

Eger. Mr. Udall, I am sorry that you will not answer, nor take an oath, which by law you ought to do: I can assure you, your answers are like the seminary priests answers; for they say, there is no law to compel them to take an oath to accuse themselves.

U. Sir, if it be a liberty by law, there is no reason why they should not challenge it; for (though they be very bad ones) they are subjects, and until they be condemned by law, may require all the benefits of subjects; neither is that any reason, that their answering so, should make the claim of less value for me, seeing that herein we are subjects alike, though otherwise of a most contrary disposition.

Buck. My lord, it is no standing with him thus: what sayst thou, wilt thou take the oath?

U. My lord, I have said as much thereunto as I can.

They then commanded me to go forth, and they consulted a little space, and called me again, at which time almost every one of them used many words to persuade me to confess a truth; saying the queen was merciful, and that otherwise it would go hardly with me: to whom I said, My lords, I know not that I have offended her majesty; when it is proved that I have, I hope her mercy will not then be too late: howsoever it be, I dare not take this oath.

Aubery, Lewen. You have heretofore taken it, and why will you not take it now?

U. Indeed you call to remembrance a good reason to refuse it; I was called to answer to certain articles upon mine oath heretofore, which I voluntarily did, and freely confessed that against myself, concerning my judgment and preaching of the points of discipline, which could never have been proved; and when my friends laboured to have me restored to my place, the archbishop answered, that there was sufficient matter against me, by mine own confession, why I should not be restored: whereupon I covenanted with mine own heart, never to be mine own tormentor in that sort again.

Ander. Whatsoever be the issue of it, you must do your duty, and deal plainly with the magistrate.

U. I take my duty to be in this case, not to answer, nor the magistrate's to require it of me; seeing the apostle saith, 'Receive not an accusation against an elder, under two or three witnesses:' which Semanca, the Spanish inquisitor, alledgeth to the same purpose.

Buck. What, you are an Elder, are you?

U. My lord, howsoever the word Elder be taken, whether so largely as I and my brethren that desire the discipline do take it, or only for a minister of the word, as our adversaries understand it, I am an Elder.

Roch. It is true, my lord, that an Elder is that place containeth all such as he is, but none else.

Buck. Yea, but they would have other Elders to govern the church; which desire of theirs, when it cometh to pass, I will give over my barony, and become an Elder.

U. If your lordship understood what great pains, and small worldly recompence belongeth to that office, you would never say so.

Roch. The day is past, and we must make an end: will you take the oath?

U. I dare not take it.

Roch. Then you must go to prison, and it will go hard with you, for you must remain there until you be glad to take it.

U. God's will be done! I had rather go to prison with a good conscience, than to be at liberty with an ill one.

Roch. Your sentence for this time is, to go to the Gate-house close prisoner, and you are beholden to my lords here, that they have heard you so long.

U. I acknowledge it, and do humbly thank their honours for it.

And when they were all gone, my lord Cobham stayed me to speak to me, who told me, that it might be he and others wished things to be amended as well as I, but the time served not, and therefore he wished me not to stand in it: and I praying his lordship's good favour, he promised to do for me what he could; for which I humbly thanked him, and so was carried to the Gate-house by a messenger, who delivered me with a warrant to be kept close prisoner, and not to be suffered to have pen, ink, or paper, or any body to speak with me. Thus I remained there half a year, in all which time my wife could not get leave to come unto me; saving only that in the hearing of the keeper she might speak to me, and I to her, of such things as she should think meet, notwithstanding that she made suit to the commissioners, yea unto the body of the council, for some more liberty: all which time my chamber-fellows were seminary priests, traitors, and professed papists. At the end of half a year, I was removed to the White Lion in Southwark, and so carried to the assizes at Croydon; where what was done, I will not mention, seeing there were present such as were both able, and I think willing to set down; unto whose report I refer those that would know the same.

At the Assizes at Croydon, the 24th July, 1590.

Mr. Udall was called, and commanded to hold up his hand at the bar; who held up his hand accordingly. Then was his Indictment read, being thus: John Udall, late of London, clerk, thou art indicted, &c. The form of which Indictment was as against murderers: namely, That he not having the fear of God before his eyes, but being stirred up by the instigation and motion of the devil, did maliciously publish a slanderous and infamous libel against the queen's majesty, her crown and dignity. And being asked whether he were Guilty, or not Guilty, he answered thus:

U. My lords, may it please you to hear me a word or two?

Judge Clarke. Answer first to the Indictment, and then you shall be heard.

U. My lords, I beseech you hear me first a word or twain.

Judge. Say on.

U. My case is rare, and such as hath not been heard of heretofore, and consisteth upon divers points of law; I humbly crave of your lordship to grant me to answer by counsel, if it may be.

Judge Clarke. You cannot have it, and therefore answer to your Indictment.

U. Then I answer (my lords), that I am not Guilty.

Judge Clarke. How wilt thou be tried?

U. I do desire to be tried by an inquest of learned men; but seeing I shall not, I am contented to be tried by the ordinary course, as these men before me are, that is, as you use to say, by God and the country.

Then the Clerk of the Assizes said to the parties arraigned, after he had read the names of the Jury before them, These men whose names you have heard, are to go upon your lives and your deaths; look upon them when they are called to be sworn, and if you know any cause, take exception against them. Then the rest of the felons having nothing to say, Mr. Udall said, My lords, I am ignorant of the law in this point; I pray you therefore shew me the manner of challenging the Jury; how many I may challenge, and whether I may render a reason for the same.

Judge. I think you will know a cause in your conscience, before you challenge any of them.

U. Then I pray you, my lord, how many am I by law permitted to challenge?

Judge. Nay, I am not to tell you that; I sit to judge, and not to give you counsel.

Then Mr. Udall keeping silence, Proclamation was made according to the manner: That if any man could give in Evidence against John Udall, prisoner at the bar, that they should come into the court and be heard. Then Mr. Daulton stood up: And in the mean while Mr. Udall said to the Judges thus; My lords, I beseech you answer me to one question before Mr. Daulton begin to speak.

Judge. Say on.

U. Is it permitted me by law to answer to those things in particular, which are brought to prove this Indictment?

Judge. It is permitted.

U. Then I humbly crave of your lordships to grant me two petitions, which I think will greatly further both him in speaking, me in answering, and also be a more ready help to the memory of the Jury, that they may be able to bear the matter away.

Judge. What are your petitions?

U. The first is, that when Mr. Daulton hath spoken to one point what he can, I may answer to that before he proceed any further, lest my memory being overwhelmed with multitude of matter, I should forget to answer to some points of importance, and the Jury made less able to discern of the particulars. The second is, that it might please you to grant me to answer without interruption.

Judge. You shall have them both granted.

Daulton. Then Mr. Daulton said, Mr. Udall, you have these petitions granted you, I desire the same of you. And then he desiring leave of the Judges, before he should prove the Indictment, to say something touching this, that this man, and such as he is, do maintain, &c. After leave given him, he used a very long speech, to the great disgrace and slander of the cause, and those men that professed the same, especially of Mr. Udall: and making mention in the same his speech, of five several books of common-prayer, made by such as desire reformation; he affirmed, that in one of the said books there was horrible blasphemy, in these words of the consecration of the Lord's Sup-

per, 'Take, eat, this is my body; drink, this is my blood.' Then he cried out, saying, 'Oh horrible blasphemy!' And taking occasion upon the variety of these books, he affirmed that there was no constancy in these men: And whereas one of the books doth allow, that over every congregation there should be a faithful pastor; that is, quoth he, a shepherd, whereby they may take the government out of her majesty's hand, and so bring her majesty to be one of their sheep; no, quoth he, her majesty is no sheep under any shepherd in the world, except Christ: and for the government that these men do seek for, I am assured there is none such to be found in the word of God.

U. Mr. Daulton hath used a very large speech, which doth nothing concern to prove the Indictment, or me in particular; and therefore seeing I am not called hither to dispute, as if I would, I should not be permitted, I will not answer it; only thus much will I say, if it please your lordships, that seeing Mr. Daulton is by profession a lawyer, and the cause is yet in question among the learned divines, methinks it had been more modesty for Mr. Daulton to have suspended his judgment until the controversy had been determined amongst them, to whose profession it belongeth: especially seeing Mr. Daulton knoweth in his conscience, that he hath heretofore carried some shew of liking to the cause, which now he speaketh against.

Judge. Sirrah, Sirrah, answer to the matter that Mr. Daulton hath against you; Mr. Daulton, proceed to the proof of the points of the Indictment.

Dault. My masters, you of the Jury, &c. I will prove, first, that he had a malicious intent in making of this book: secondly, That he is the author of it: and thirdly, That these matters contained in the indictment are felony by the Statute, 23 Eliz. cap. 2.

Then was Mr. Beadle the Register called, who was sworn, that these Examinations following were as the parties themselves confessed the same: and to prove the first, the clerk of the assizes caused Stephen Chatfield to be called into the court, to give in evidence against John Udall; but he appeared not at all, for which the Judges were offended; and serjeant Puckering said, there was a warrant sent for him: whereupon some standing by affirmed, that the warrant came after his departure from home. Then Mr. Daulton said, that he went out of the way of purpose; and judge Clarke said, Mr. Udall, you are glad of that. Mr. Udall answered;

Udall. My lords, I wish heartily he had been here; for as I am sure he never could say any thing against me to prove this point, so I have heard and am able to prove it to be true, that he is very sorry that ever he made any complaint against me, confessing he did it in his anger, when 'Martin' came first out; and by their suggestions, whom he hath proved since by experience to be very bad men.

Dault. It is no great matter whether he be here or no, for we have his Articles against you, and your own confession to prove this point sufficiently.

Then were Mr. Chatfield's Articles (that he brought to the archbishop against Mr. Udall) read by the clerk, containing a report of certain written papers; tending as he supposed, to the making of such a book as this is: and thereupon asked Mr. Udall whose writing they were; who answered, they are a friend's of mine: whereunto Chatfield replied, wishing him to take heed of them, and to rid his hands of them, and to return them to his friend from whom he had them, for he doubted they concerned the state. These Papers he saw in Mr. Udall's study at Kingston. Also he further saith, that at another time, he having conferred with Mr. Udall in a certain field by Kingston, called Little-field, about this putting to silence; he saith, that the said Mr. Udall uttered these words, that if they put him to silence, he would give the Bishops such a blow, as they never had.

U. May it please your lordships that I may answer these things in particular?

Judge. Say on, let us hear your answer.

U. I was accused this time two years upon the words of Chatfield, that these papers that he did see in my study, should be the matter of 'Martin-Mar-Prelate;' and because I cleared myself of that, it is now brought to prove another matter: but it proveth nothing, unless it were set down in particular what they were.

Dault. It proveth this, that you had a purpose to write this Book; and those things were collections from your friends, and preparations thereunto.

U. Let the Jury consider how that point is proved by it. Besides, it may be proved, that this Book was extant in men's hands before the Conference between Chatfield and me; therefore how can it be proved that this is the book that should give them such a blow?

Dault. But you cannot deny the second Point, that you had a pretended Malice, for it is extant in your own Confession: read his Answer to those Articles of Mr. Chatfield. Then the Clerk read his Answer, to this effect, That if the Bishops put him to silence, they would give him occasion and leisure to be employed in writing against them. Then said Mr. Daulton, Is not this most evident, what can be plainer than it is?

U. I pray your lordships give me leave to explain these things.

Judge. Say on, and be brief.

U. Mr. Chatfield told me, that he was commanded to come to Kingston and be resident there, of purpose that I might be put to silence, and that there might not appear any want of a preacher, I being put down; whereupon I said, in effect, as is above rehearsed: I pray you hear in what sense these words were uttered.

Judge. The matter is clear, and we see what you can say to it well enough; proceed, Mr. Daulton, to the Proof of the second Point.

Dault. And that you be the Author of this slanderous and infamous Libel, it shall be proved clearly to the Jury before your face. Then said he to the clerk, read the Answer of Nicholas Thompkins, which was made upon his oath before her majesty's High-Commissioners. Then was read to this effect, that Thompkins knew that Mr. Udall was the Author of that Book called 'The Demonstration,' for he said that Mr. Udall himself told him so. Also that he saw either in Mr. Udall's house, or in some other place in Kingston, a Catalogue of all the Books that Mr. Udall had made, amongst which the Demonstration was one,

Judge. You see here that this is clear, and a sufficient Testimony.

U. It carried some shew, but it is nothing.

Judge. Do you call the Testimony of one being an honest man, and upon his oath, before the High-Commissioners, to be nothing? Can you answer it?

U. My lords, I answer it thus, denying it to be his Testimony; for if it be, why is he not present to verify it face to face, according to the law?

Judge Puck. It is verified to be his true Answer, under the hands of Dr. Auberie and Dr. Lewen, the latter whereof confirmed it before me upon his corporal oath.

Daubl. You can take no Exceptions against that, and will you say he is not an honest man?

U. I am persuaded he was amazed, and answered he knew not what: for he hath reported it so diversely, that it seemeth he remembereth not what he said.

Judge. But the Oath of Thompkins is to be preferred before his bare Report.

U. My lords, I answer: I protest unto you, (and will verify it upon my Oath, if it please you) that he told me the day before I was committed, at his master's house, that he could not say, neither would he for a thousand pounds affirm any more than this, that he heard me say I would not doubt but set my name to that Book if I might have indifferent Judges. And further (if it please you, my lords) here are some Witnesses that upon their oaths will testify, how diversly he hath reported of his Confession to this thing, if it please your lordships to accept them. And the witnesses offering themselves to be heard, were answered, that because their Witness was against the queen's majesty, they could not be heard. And after other speeches passing, Mr. Udall said;

U. My lords, the speech of the Catalogue is most vain, and hath no sense in it; for can I have made so many Books, as that I need make a Catalogue of them? It may be, my lords, he saw a Catalogue of the Books in my study, wherein if that were one, it is rather an argument that I made it not; for men use not to put their own works in the Catalogue of those that they have in their study.

Dault. You of the Jury consider this, that Thompkins was Mrs. Crane's man, and one that was privy to all the printing that was at her house; and Mr. Udall used to go often thither.

U. All that is nothing to me: what if I used to go thither, she is of my acquaintance, I know her to be an honest gentlewoman; what can you gather by any of these things? Why is not Thompkins here to declare his testimony, and to say what he can?

Dault. He is beyond the seas about Merchandizes, sent away by Mr. Gore, who married Mrs. Crane's daughter.

U. How doth that appear? He is no merchant, but a serving-man; and if he were, what is that to me? But it cannot be proved that Mr. Gore did send him, so that here is nothing but bare papers to shew for evidence against me.

Then there was much said, to prove that the Testimony of a man absent was sufficient, if it were proved to be his upon the oaths of others. And then the Judge said,

Judge. What say you? Did you make the Book, Udall, yea, or no! What say you to it, will you be sworn? Will you take your oath that you made it not? We will offer you that favour which never any indicted of Felony had before; take your oath, and swear you did it not, and it shall suffice.

U. My lords, I pray you hear me to this: If I would have done so before the lords of her majesty's privy-Council that committed me, I had not come hither; but I neither then might, nor may do so now, whereof I pray you let me shew a reason to the Jury. I and many more do think the Book to be good, for any thing we can find in it, and to be written in defence of a cause which we take to be most true. Now the Author is sought for, that he may be punished for some speeches that may be wrested in the Book; therefore lest he should be found (if one after another that are suspected do deny it) it is thought best every one neither to confess nor to deny, yea though we suffer some punishment, rather than the author, being found out, should suffer extremity.

Judge. Nay, this is but a shift, I will go further with you; Will you but say upon your honesty that you made it not, and you shall see what shall be said unto you?

U. My lords, it is all one, I make a conscience of my word as of my oath, for I must give account for both. This is no direct course in this place.

Judge. You of the Jury consider this. This argueth, that if he were not guilty, he would clear himself, and consider well of it. And then speaking to Mr. Udall, he said, Do not stand in it, but confess it, and submit yourself to the queen's mercy, before the Jury find you guilty.

U. My Lord, I answer, that according to my Indictment I am not guilty, every point whereof must be proved, or else the whole is false. And I beseech your lordships give me leave, and I will be very brief: My conscience doth not accuse me that I have so much as offended her majesty, her council, or the mean-

est of her people in any thing I have done concerning this cause; for if I should, of all other I deserved the least favour, being one that professed to teach others loyalty to her majesty, and love to one another: and would you have me to confess a fault where there is none? No, I cannot do it, neither will I; wherefore proceed in your course begun.

Dault. We have yet more Proof than this, though yet this were sufficient of itself; wherefore read the other Examinations.—Then was read the Confession of Henry Sharpe of Northampton, who upon his oath, before my Lord Chancellor, had said, That he heard Mr. Penry say, that Mr. Udall was the Author of 'The Demonstration.'

U. Sharpe and I were never above once in company together (to my remembrance), neither knew he ever any of my dealings. This is nothing to prove me the Author of the Book: Reports be uncertain; and if reports be true, the Archbishop himself told me, that Mr. Penry made it; which is more forcible for me than any of Sharpe's reports can be against me.

Dault. You mistake the matter; the force of the point resteth in Mr. Penry's report, who was one of your great acquaintance and familiars; and you, and Walgrave, and he, were at Mrs. Crane's house.

U. Here is one man's saying that another said so; let the Jury consider of what force this proof is; if you have any more, let it appear.

Judge Clarke. You of the Jury have not to enquire whether he be guilty of the Felony, but whether he be the Author of the Book; for it is already set down by the Judgment of all the Judges in the land, that whosoever was Author of that Book, was guilty by the statute of felony, and this is declared above half a year agone.

U. Though it be so determined already, yet I pray your lordships give me leave to shew that which I have to say, and I will be very brief; and it is to prove, that though I were found to be the author, yet it cannot be within the compass of that Statute, Anno 23 Eliz. cap. 2. whereupon the Indictment is framed.

Judge. You shall be heard to say for yourself what you can, therefore say on.

U. Though I be not by profession a Lawyer, yet I think I can shew it clearly by these reasons following: 1. The intent of the lawmakers (which always is to be regarded in these cases) is to be considered, which appeareth in the Preface of the Statute in these words, 'To frustrate the Malice of those that be evil affected to her highness.' Now I pray you consider this how can it be? Or how is it possible that a Preacher, of the same religion which her majesty professeth and maintaineth, who is known continually to pray unto God for her highness's prosperity and happiness, both of soul and body; how is it possible, I say, that such a one should be maliciously affected towards her? Therefore it is evident that the Statute was made against the Papists, who use to slander her highness with the terms of Heretic, &c. and no way against us; for I dare boldly say of myself, and in the name of all my Brethren, Cursed is he of God, and he deserveth doubtless to be hated of men, that doth imagine the least hurt against her highness. 2. The Matter that maketh a man a Felon by that Statute, must proceed from a malicious intent against her highness, which I or any such as I can no way justly be charged with; partly for that which is said before, and partly for that my course of teaching and living in this country these nine years (saving this last year, wherein I have been absent) is known to have tended to no other end, than the provoking and persuading of the people to like of and yield obedience unto her majesty, and the religion received in her dominions: for the proof whereof, I refer myself to the consciences of all men in the country that have known me. And further, is it likely, that I who have been trained up in the Universities under her majesty's protection, and have always bended my studies to the advancement of the sincerity of the Gospel; so that those small crumbs of learning which I have gathered, I do acknowledge to have received by her majesty's means: these things considered, how can it be that I should be evil-affected towards her highness, whom I protest I unfeignedly reverence? And therefore the worst that the Author can be charged withal, is his overheat and too much vehemency, by reason of his zeal against the abuses, and not any malice against her majesty, or the meanest of her subjects. Again, the matter, to bring it within the compass of the statute, must be false: but this Book is written in the behalf of a most true cause. Lastly, The End of it must be either to the Defamation of the queen's majesty, or stirring up of Insurrection, Sedition or Rebellion: for the former, I trust that the whole course of our behaviour, both in our ministry and conversation, declareth itself to be so far from seeking to defame her highness, as it tendeth, to the uttermost of our powers, to the advancement of her honour. For I am persuaded that there is none of us that would refuse to undergo any pain, whereby her majesty might any way be the better honoured; yea, we would not refuse, if need so required, to lay down our lives for redeeming of the least aking of her majesty's little finger, wherewith she might be grieved. Now for the second end, which is the moving or stirring up of Rebellion, &c. I pray your lordships, and you of the Jury to consider this: There have been, since the first day of her majesty's reign, learned men that have desired the advancement of this Cause, and many of the people that affected it, and yet hath it never appeared, that by occasion hereof, there hath in all this time been any in any place that have raised any Insurrection or Sedition: yea this Book, which is now in question, hath been extant these two years; yet I trust neither your lordships, nor any here present can shew that any

people in any corner of the land, nay it cannot be justly proved that any one person hath taken any occasion hereby to enterprize any such matter: and therefore the making of this Book cannot be Felony. Besides all this, if there had been any such thing meant by the Author, or received by the people, as the Indictment chargeth me withal, (which is the defamation of her highness's government) yet, as I take it, it should not be Felony by that Statute; for the whole course of it declareth, that it is only meant of them that defame her highness's person, and not her government, as it is manifest by the last proviso; wherein it is shewed, that the whole statute doth determine and end with her majesty's life. And we may not think their wisdoms that made the law to be so unadvised, as to make a law for the preservation of the prince's government, which is continual, to last no longer than the life of one prince, which is temporary: therefore it seemeth that the statute hath no further regard than this, that her highness's person might be preserved in that honour and dignity, which becometh her royal dignity and estate. And I do beseech your lordships to answer me, for I appeal to your consciences, as you will answer to God for my life; and I pray you tell the Jury, whether you do think the intent of the statute were in any sort meant against us, and not rather against the Papists.

Judge Puck. You do not well to charge us so with our consciences, which God only is to know. I answer you, the Intent of the Statute is against all, for so the words are.

U. The words, my lord, I confess are so; but is the principal intent so?

Judge. Yea, it is so.

Judge Clarke. We have heard you speak for yourself to this Point at large, which is nothing to excuse you; for you cannot excuse yourself to have done it with a malicious intent against the Bishops, and that exercising their government which the queen hath appointed them, and so it is by consequence against the queen.

U. My lords, I am persuaded that the Author did it not of any Malice against them; and for myself, I protest I wish them as much good as I do to my own soul, and will pray to God to give them repentance. But the cause why the Author did so earnestly inveigh against them was this, as it seemeth, because he perceived them not only to execute an authority which he taketh to be unlawful by the Word of God, but also for that they do not the tenth part of that good (even in those corrupt callings) which by law they might do; and I am persuaded that your lordships know in your own consciences, that they do not the tenth part of that they are bound to do.

Judge Clarke. That is true, they do not the good that they might do; but yet that doth not excuse you: for it is plain in your Book, that you writ not against them only, but you writ against the State; for is it not against the State, when you say, That it is easier to live in England a Papist, an Anabaptist, of the Family of Love, and what not? Yea, you say, I could live so in a Bishop's house, it may be these twenty years, and never be much molested for it. What is this but a plain slandering of the State? And mark the words, for you say, you could live so in England: And doth her majesty's laws allow of papists? This maketh evidently against you, and it is so plain that you cannot deny it.

U. My lords, if it might please you to hear me a word or two, I will shew the meaning of the Author of the Book; I beseech you to hear me, and I will be very brief; I know the laws of England do not allow of any such as are mentioned in that Book, for there are godly laws made for the punishing of them, if they were put in execution. But this I take to be the Author's meaning: That it is not spoken in respect of her majesty's Government and Laws, but in respect of the Bishops, whom your lordships know to be wholly employed in finding us out, and punishing of us, not regarding (in a manner) the punishing any sin else.

Judge. What, Sirrah, will you not confess any fault to be in the Book? You seek to excuse all.

U. My lords, I do acknowledge that there was never any work of man so perfect, but there have been imperfections in the same: and therefore there may be some fault in the manner, but surely none in the matter: for the Bishops themselves will confess that they may fail in their actions, and be partial (as they are men) in the manner of handling any thing. So also the Author of this Book being assured that the matter is without reproof, may err in the manner, in being over-zealous in the handling of it; and this fault I will easily confess to be in the Book, my lord: but I am sure the Author never had any malicious intent against her highness, or any of her subjects.

Judge Clarke. This Book hath made you to come within the compass of the Statute though your Intent were not so: for I am sure there was Mr. Stubbs, well known to divers here to be a good subject and an honest man; yet taking upon him to write a Book against her majesty touching *Monsieir*, he thereby came within the compass of Law, which he intended not in making of the Book; and I am persuaded, that he did it of a good affection towards her majesty; and yet if this law had been made then, which was made since, he had died for it: So you, though you intended not to come within the compass of the Statute, yet the law reacheth to your fact, as that did to his.

U. My lords, his Case and mine is not alike, for his Book concerned her highness's person; but the Author of this Book toucheth only the Corruptions of the Bishops, and therefore not the Person of her majesty.

Judge. But I will prove this Book to be against her majesty's person; for her majesty being the supreme governor of all persons and causes in these her dominions, hath established

this kind of government in the hands of the Bishops, which thou and thy fellows so strive against; and they being set in authority for the exercising of this government by her majesty, thou dost not strive against them, but her majesty's person, seeing they cannot alter the government which the queen hath laid upon them.

U. My lords, we are not ignorant of this, that her majesty hath a care that all things might be well; and in that respect hath given them often in charge, (upon the considerations of these controversies) to see to it that nothing be amiss; and because she had a good opinion of them for their gravity and learning, she believeth them when they say all is well and in good case: whereas, if they had the grace to look into these things, and to make them known as they be, indeed her majesty and the state, I doubt not, would quickly redress them; and therefore was it that the author did so charge them.

Then the Judge proceeding farther in the Book to prove him to have offended: he took occasion by the same to speak against railing against magistrates; and speaking to Mr. Udall, he said, in effect, thus:

Judge Clarke. Sirrah, you that should have been a Teacher of her majesty's people, you should have taught yourself not to have railed upon the Rulers of the people; for do you not know what is written in the 23rd of Exodus, 'Thou shalt not rail upon the Ruler of the People, for whosoever doth so shall die the death.' And do you not know what is written in the 23d of Acts, where the Apostle Paul being before the High-Priest, called him a 'Painted Wall:' and being smitten by one of the High-Priest's servants, it was said unto him, 'revilest thou the Lord's High-Priest?' To which Paul answered, 'I knew not, brethren, that he was the High-Priest.' Lo! thus did he acknowledge his fault: Do you know these things, Sirrah?

U. My lord, you know that we hold it not lawful for a Minister to be a Civil Magistrate; and there are at least 500 in this land, amongst whom I am the most unworthy, that are of the same judgment in this point.

Judge. But how if the Queen doth give it them?

U. They ought not to take it. And, my lord (if it please you), I will answer to your Proofs, though I came not hither to dispute. But in my answering, my purpose is not to give any liberty to any man to rail upon any that are in authority. Now to your Proofs; I say, my lords, that the place out of Exod. 23, doth rather concern your lordships, and such as are under her majesty for Judges, than any way to concern the Bishops: And touching the second place out of Acts 23, where the Apostle saith, 'Brethren I wist not that it was the High-Priest:' the meaning of that place is, as if he should say, I thought there had not been any High-Priest now, seeing Christ being come, the High Priesthood was to cease: so that the Apostle doth not acknowledge any fault in that his Speech, for there was no lawful High-Priest of that time: neither did he acknowledge any, seeing they did end in Christ. And thus do the best divines expound the place.

Then, after some farther Speeches of this Exposition, the Judge returned to the matter of the Book again, saying, That the Book did concern the State, and said:

Judge. But, Sirrah, thou canst not so excuse thyself, as though it touched not the Queen and the State; for is it not written in thy Book, that this saying will not serve their turns, The Queen and Council will have it so? whereby it is plain, that thou didst speak against the queen and the state.

U. My Lord, the Author only meaneth this, That when we are called before the Bishops, they were often driven to use this argument (when they had nothing else to say for themselves), that they could be content many things were amended; but it must be so, for the Queen and Council will have it so: And surely herein methinks they slander her highness; and we tell them, that however they bear it out here before men, yet before God that excuse will not serve their turn.

Judge. Thou canst not carry it away so: dost not thou plainly say, That they are not safe, though they have human authority on their side; but he that is on our side is mightier than they? Whereby thou both abasest her majesty, and also dost threaten them with some force and violence.

U. It is true, that whosoever doth unjustly is not safe in it, though all the princes in the world should defend him in it; and that is the meaning of the Author: But to say, that force and violence is threatened them, is farthest doubtless from this meaning; for it is known to all the world, that we desire, by all good means, to commend this holy cause of Reformation to her majesty and the state, and do not look for neither, that ever it should by any force prevail, but that it would please God to honour her highness with the advancement of the same.

Judge. No, no, these are but excuses; these malicious speeches proceeded from thee, and were the ground-work of all these Libels that have been dispersed since, and thou art known to be the ring-leader of this faction.

U. There is no reason to charge me with other men's doings, every man must answer for himself; but as for me (alas!), I am no body: there are five hundred Ministers in this land of my judgment in these things, the meanest of which I acknowledge to be far better learned than I am. But by the way, my lords, I pray your lordships give me leave to say one thing, which I being about to speak of before, was interrupted; and therefore seeing now it cometh into my memory, I pray you to hear me, though it be out of time, concerning the felony whereof I am accused; it maketh greatly for me.

Judge. What is it? Let us hear what you can say.

U. When I was before the lords of her majesty's Council at the time of my commitment, amongst other things that I alledged against the taking of an Oath to accuse myself, I said, that the thing was accounted criminal, and therefore by law I was not to answer: My lord Anderson said, that I said true, if the case had concerned either the loss of life or limb; whereby it is manifest, that then my case was not esteemed felony.

Judge. Though the Judges had not then concluded it, yet it was law before, or else it could not so be determined after; the violent course of others since, hath caused your case to be more narrowly sifted.

Then the Judge (having spoken to the like effect also) said to the Jury, That they should not need to trouble themselves to find him Guilty of the Felony, but only it was sufficient if they found him Guilty to be the Author of the Book: for, quoth he, it is already determined by all the Judges of the Land, that the Author of that Book was in the compass of the statute of Felony; and this, quoth he, was concluded before we came hither: Therefore you being ignorant of the law, and we being sworn, as well as you are, you are to hear us, and to take our exposition of the law. And after many other speeches, the Judges said, Go thy way, we will hear thee no longer, get thee hence; and shaking his hand, he called for the other Felons to hear their Causes.

Then the Jury said, What can we find?

Judge. Find him Author of the Book, and leave the Felony to us.

And after some other Speeches, Mr. Fuller said to the Jury, You are to find him Author of the Book, and also guilty of a malicious Intent in making it.

Whereat Mr. Daulton said, What have you to do with the matter, Mr. Fuller, to speak to the Jury?

Then there being some noise at the Bar, Mr. Udall could not any more be heard: Yet as he was ready to depart, he said to the Jury, You of the Jury, consider this, that you have not to consult about the Life of a Seminary and Popish Priest, but of a Minister of the Gospel. Then Judge Clarke shewed the Reasons to the Jury, why they must find him Guilty; saying, The Evidences are manifest for the first Point, that he is the Author of the Book: and the second is a Point in Law agreed upon by all the Judges, as I have said.

So the Jury, after they had heard the Evidences of the other Felons at the Bar, departed to consult about them; in which time of their consultation, there came two several messages, exhorting him to submit himself, and to yield unto the Judges before the Jury had given up their Verdict.

Unto whom Mr. Udall replied, willing them not to trouble him with any such matter; for he was clear in his conscience, and therefore he was not to accuse himself. In which time also the Jury divers times sent and received messages from the Judges; and at last, the Foreman of the Jury went himself unto them. Thus having debated of the Evidences of the rest of the Felons with Mr. Udall, after the Judges had dined, the Jury brought in their Verdict that he was Guilty of Felony.

After that baron Clarke had finished all other matters of law, and that the Juries had given their Verdicts on the Felons, finding some Guilty, and some Not Guilty, the Judge commanded all the Prisoners to stand forth and to answer to their names: who did so. And first, Mr. Udall was called, who stood forth at the bar; but the Judge commanded him for that time to stand aside, saying, That he would deal with him anon. Then some of the Prisoners which were saved by their Books, were burnt in their hands; and for that night there was nothing more done. Then the Judge commanding the jailor to bring the Prisoners betimes in the morning, commanded them to depart: and so for that time every man departed to his place.

The next morning, being the 25th of July, about four of the clock, the Prisoners were brought to the bar, who stayed till the coming of the Judges: who came thither by six of the clock, or thereabouts, and called the Prisoners by their names to receive Sentence of Death: and first, they began with Mr. Udall; who, after he was called, was commanded to stand aside till anon. And then were seven Felons that received Sentence of Death; who being taken aside, Mr. Udall was called the second time; and the Clerk of the Assizes said, 'John Udall, hold up thy hand, what canst thou alledge for thyself, why thou shouldst not receive Judgment to die?'

Udall. My Lords, notwithstanding my earnest pleading and protesting of mine innocency yesterday, which I could and would have done more clearly, but that I was so much interrupted; yet it hath pleased the Jury, upon their consciences, to find me Guilty of that, which, I thank God, never entered into my heart: now therefore must I plead another Plea, and therefore I crave of your lordships to grant me the benefit of the Pardon granted the last parliament.

Judge. I think you can have no benefit by it, for I am deceived if it be not excepted. Then said he to the Clerk, or some other, Reach me the Statute-Book: and whilst he looked in the same

Mr. *Udall* said, I pray your lordships consider the ground of my Plea, albeit indeed it seems to be excepted: your lordships confessed yesterday, and I shewed it by my lord Anderson's Speeches to me, that it was not thought Felony till of late: and therefore the things that be excepted, be such as be inquirable and punishable in the Ecclesiastical Courts.

Judge. That is nothing; for if the lesser be excepted, much rather is the greater.

U. My lords, I refer it to your consciences and favourable considerations: the words are these in the Pardon, which he repeated: and

they finding it to be as he had said, the Judge said, Here is no help for you. And after other Speeches between them of the meaning of the words of the Pardon, the Judge said, Mr. Udall, your counsel hath deceived you.

Udall. My lords, I have not received any counsel herein, for I have been close prisoner this half year, and therefore could not attain to have any counsel: but thus much have I gathered, which is my Judgment, out of the Book.

Judge. What can you alledge more for yourself? for this helpeth you not.

U. Nothing but mine own innocency, but that your lordships may proceed.

Judge. What say you? Are you contented to submit yourself to the Queen.

U. Yea, or else I were not worthy to live in her highness's dominions.

Judge. But will you acknowledge yourself to have offended her majesty in making this Book? She is gracious and full of mercy; it may be, that we, reporting your Submission unto her majesty, may procure her Pardon for you.

U. May it please your lordships to hear me; The cause for which I am called in question, I cannot forsake in any sort, for I hold it to be the undoubted Truth of God; but, &c. And then he was interrupted by Judge Puckering, who said,

Judge. Nay, stay there, you cannot go away with that speech unanswered, to bus into the people's ears such a conceit, that it is an undoubted Truth that you hold; for I hold it to be an undoubted falshood. And then he proceeded further in a large set speech, the effect whereof was, That this land having been governed by sundry nations, hath yet kept her antient laws, which (he affirmed) would be overthrown, if this government that these men seek for, should be established: and then he further shewed, What inconveniencies (as he thought) would come by the same, viz. That we having Laws and Judges appointed to decide all Controversies, this presbytery which these men seek for, would overthrow all, and bring to their censure and government all men's causes, or else they would excommunicate them from their churches: yea, and they are so hot for this government, that they will not stay for the magistrate; and if the magistrate will not, they will reform themselves: and one of them writing in a letter to a friend of his, saith, Let us number our hot brethren, that we may know who will stand to it, for it is high time. So that it is plain, that if they cannot have it with her majesty's consent, they will have it, though it make our hearts to ake, as you say in your book. And whereas her majesty hath revenue belonging to her crown out of the church livings and cathedral churches, these men would have her majesty give unto them those revenues, for the maintenance of their presbytery, and they would allow her a stipend at their discretions; so that they would bring the queen and the crown under their girdles.—And some of these men have gone so far, that they say plainly we have no Church, no Sacrament, no Ministers, nor any Worship of God amongst us. If these things be not looked unto in time, what confusion shall we have in this land shortly? Many other things he spake against the cause of reformation, which I cannot particularly lay down; but this is in effect the substance of it: concluding, he said, Thus much, Mr. Udall, have your speeches enforced me to speak, lest the people here present (being deceived) should be carried away by it. To which Mr. Udall answered briefly:

U. My lords, it is bootless for me to enter disputation with you in this place touching this matter; only this I could wish you, to leave it to be first decided by the learned divines, to whose calling it belongeth. And although some weak men wanting judgment have been headily carried in seeking the furtherance of this cause, and so for want of this government have run into some errors: yet it is no reason to charge us with them; for your lordships know, that we have been the men that have taken the greatest pains to reclaim them to the joining of themselves with the church, from which they have separated themselves.

Judge Clarke. You are deceived; it is not a matter of Divinity only, but it is a matter of State, and within the compass of our profession; and it is not so greatly in controversy, as you would have us to believe it is.

U. It is diversly debated (my lords), and the greatest number of learned men in Christendom do maintain the same.

Judge. How do you know that? Have you been beyond the seas to know the greatest number of learned men to be of this judgment?

U. Your lordships know, that all the churches of France, the Low Countries, and of Scotland, do maintain the same, besides many hundred of learned men in this land.

Judge. Have you been in all these churches, that you can tell so much?

U. I know it to be true (my lords), for their practice doth shew them to be of this judgment.

Judge. Well, if you can alledge no more, neither will submit yourself to the queen's mercy, then hear your Judgment.

U. My lords, I was beginning to speak, but you interrupted me; I pray you hear me what I will say, and then do as God shall move you.

Judge. Let us hear what you will say.

U. As I said before, so I say now, I believe the Cause to be the undoubted Truth of God; and therefore in the matter, I cannot by any means yield: yet seeing, by your order of law, I am found to be guilty, neither can I (for the reverence I bear to her majesty's laws) take any Exceptions against you nor the Jury; but that which you have done, I acknowledge to be done in all equity and right. Seeing, I say, you have found me to be guilty, whereby I cannot live without her majesty's gracious and special favour, I acknowledge, that whatsoever I have done to the advancement of the Cause, I may offend in the manner; in which respect (if I have offended) seeing it hath pleased your lord-

ships and the Jury to find me guilty, I do willingly submit myself, and heartily crave her majesty's Pardon.

Judge. But are you sorry that you have offended the queen's majesty?

U. I am sorry that the course of the law hath found me to have offended.

Judge. So is every thief that is condemned sorry, that his offence is found out, but not for the fact. This is a plain fallacy.

Judge. My lord, indeed if it were so as your lordship doth understand it, it were a plain fallacy: but I say farther, if in the manner of handling so good a Cause, there be found in me any offence against her majesty's laws, I acknowledge, that in the manner of handling it, her majesty may be justly offended, for which I am sorry. And I protest that I have never gone about to advance it by any other means, than by manifesting it to all men, and tendering it to them in authority; and that by such means as might not be contrary to the laws of this land, that so it might be received by her majesty and the state: and this is the care of us all, howsoever we be charged with factions.

Judge. You say, If there be found any Offence; whereby you call in question the equity of dealing in this court against you.

U. My lords, I do not, neither will I; let it be looked into by you and the rest whom it concerneth, I hope you would not deal otherwise than lawfully against me.

Judge Puck. You say, you seek no unlawful means: What can be meant but unlawful means in the words of your Book? 'If it come in by that means that will make all your hearts to ake, blame yourselves.' What good means can be meant by these words?

U. My lords, yesterday I shewed you what I took to be the meaning of the Author in some places of the Book alledged against me in the indictment; and then I would have spoken unto all, but you cut me off: I pray you therefore let me shew you the meaning of the Author in those words now.

Judge. Let us hear you how you expound it.

U. My lords, your lordships must understand, that the Author taketh it for granted, that the Cause is God's, and must prevail: and therefore, seeing God hath used all the means of his mercy to bring it in, in giving us a gracious prince, long peace, and abundance, and of stirring up some to exhibit supplications to the parliament; these things not prevailing in his mercy, he will bring it in by some judgment, as plague or famine, or some such-like punishment: and this is always the manner of God's dealing.

Judge. You cannot expound it so; for the words import another thing.

U. My lord, the Author himself expoundeth it so in the words following; where he saith, 'That it must prevail, for such a judgment will 'overtake this land, as shall make the ears of 'all that hear thereof to tingle:' So that he meaneth nothing but this, That God will bring it in by his own hand, by judgment, if by mercy he cannot prevail.

Judge. No, no; your meaning was, that it should be brought in by force and violence.

U. God forbid! Far be it from us to conceive any such imagination. The Author of that Book doth plainly shew, that he meant no such thing; and the words following, in the end of the Epistle, do declare the same; for there he sheweth by whom it is to be brought in, namely, by her majesty and her honourable counsellors, that they may see it, and establish the same.

Judge. Nay, the meaning is, That if the Queen will not, yet you say, it shall come in; for so the words are, 'That it must prevail, maugre the Heads of all that stand against it.'

U. Nay, my lords, the words are, 'Maugre the Malice of all that stand against it.' For there are many Heads that are not maliciously bent against it: there is great difference between Malice and Heads; for some are against the Cause through ignorance.

Judge. It is all one in effect.

U. Nay, my lords, there is great difference.

Judge Puck. Well, Mr. Udall, you were best to submit yourself to the queen's mercy, and leave these courses; for I tell you, that your Book is most seditious and slanderous against her majesty and the State; and yet I assure you, that your Book had been passed over, if there had not come forth presently after it such a number of slanderous Libels, as 'Martin Mar-Prelate,' 'Martin's Epitome,' 'Martin Jun.' or 'Theses Martinianæ,' 'Martin Sen.' and other such-like; of which your Book was judged to be the ring-leader.

U. My lords, those that are learned, and do maintain this Cause, do judge this book to be written very indifferently, howsoever it be hardly construed. But for 'Martin,' and the rest of those Books that you have named, they were never approved by the Godly learned: and I am fully persuaded, that those Books were not done by any Minister; and I think there is never a minister in this land, that doth know who 'Martin' is. And I for my part, have been inquisitive, but I could never learn who he is.

Judge Clarke. You will not acknowledge yourself faulty in any thing, and therefore it is in vain to stand any longer with you.

U. I will easily confess, that in manner the Author hath offended: for no man can handle a cause so well, but there will fault appear in it, as appeareth by Job, who having a good cause, handled it weakly: it is easier to handle an ill cause cunningly, than a good one well.

Judge. Nay, but you have maliciously offended in publishing this Book, which tendeth to the overthrowing of the State, and the moving of Rebellion.

U. My lords, that be far from me; for we teach that, reforming things amiss, if the prince will not consent, the weapons that subjects are to fight withal, are repentance and prayers patience and tears.

Judge. Yea, you had done well if you had used these weapons, rather than to have made this book.

U. God forbid but that we should give unto her majesty that honour which justly is due unto her! For we have not taught the people to reform the state without the prince, and our practice hath proved the same; for we never taught any of her subjects to go before her, but to leave that honour as belongeth to her majesty.

Judge. Well, will you submit yourself or not? for else I must proceed to judgment, and I have no authority to favour you, neither will I stay sentence of death according to my office: what my brother hath I know not, and therefore shortly submit yourself, or else I am to pronounce sentence of death.

U. And I am ready to receive it: for I protest before God (not knowing that I am to live an hour) that the cause is good, and I am contented to receive sentence, so that I may leave it to posterity how I have suffered for the cause. But, my lords, the Cause excepted, I will submit myself in any thing.

Judge. Let the Cause alone, and tell us no more of it, but acknowledge yourself to have offended the queen's majesty.

U. I may not in any case yield in the Cause; I have almost ever since I was a Preacher of the Gospel professed it, and therefore I cannot be at this time changed.

Judge. Let (I say) the Cause alone, say what you will do.

U. I must needs profess it and mention it, lest it should be thought that I have started from it; but for any thing that I have done in the manner against law, I am heartily sorry for it: more than this I cannot say, do with me what you will.

Judge. But are you sorry for offending her majesty and her laws, and be you contented to amend, and to live in obedience as becometh a good subject?

U. I am content to seek the advancement of this cause by no other means, than that which may stand with the laws of this land, and the duty of a good subject.

Judge. I come not here to intreat you to submit yourself, but you shall do it willingly upon your knees, and crave her maj.'s mercy.

U. Then Mr. Udall kneeling down, said, I refuse not any kind of Submission to her majesty: and I intreat your lordships to be a means to her majesty for me; and if I were worthy that my poor papers might come unto her majesty, or to her honourable council, I would write thus much unto them.

Judge. Nay, will you write thus much unto us, that we may first see it and commend it to her majesty?

U. I willingly do it.

Thus they dismissed him.

And this is the Sum of that which I with the help of others could remember, having not any intent to leave out or enlarge any thing further than the meaning of the speakers did intend: notwithstanding many more things were said on both sides, especially the set Speeches of both the Judges, and of Mr. Daulton, to the disgrace of the desired Reformation, which could not well be expressed in particular, and therefore I have left them. Also many other things Mr. Udall proposed and begun to say, which they stopped, so that they could not be perceived.

The Assizes being thus ended, Mr. Udall was returned to the Prison of the White-Lion again, where he continued till the Sessions in Southwark, beginning the 18th Feb. 1590; during which time he wrote a Supplication or Submission to the queen's majesty as followeth:

Mr. Udall's Supplication to her Majesty.

"Most gracious and dread Sovereign, the present and lamentable estate wherein I stand, being found guilty by Verdict, to be Author of a Book entitled, 'A Demonstration of Discipline,' and being, without your gracious Pardon, to die for the same; I humbly prostrate myself at your majesty's feet, submitting myself in most humble manner as becometh a dutiful subject, to such order as it shall please your highness to appoint, to whom God hath given so high and sovereign a power, as is able both to kill and to quicken, to bring to the Gates of Death, and to cause to return to the Comfort of Life again: Before whom standing thus convict, I am not to plead my innocency; yet I most humbly desire it may not offend your excellent majesty, that I protest (of the truth whereof I call God to witness, who knoweth all secrets, and will judge both the quick and the dead) that I had never any thought or imagination to publish, write, or do any thing maliciously, or tending to the dishonour or slander of your majesty's royal person or princely estate, under whose gracious government I have attained so many benefits and blessings; amongst which I most highly esteem the true knowledge and fear of God; in regard whereof, I have been always ready even to adventure my life, for the preservation of your most royal person and defence of your princely estate, and the same have also taught unto others, as a thing specially commanded by God: notwithstanding, fearing the severity of justice unto death, I fly for life unto your majesty's most gracious mercy, most humbly desiring your highness of your merciful compassion, for relief of my poor and miserable estate, to grant me your gracious and comfortable pardon, whereby I may be discharged, both of the offence and punishment, which the law hath laid upon me. Other hope than this have I none, but the trust I have in God, (according to his promises) that your majesty by a special gift of God is gracious and merciful, and have vouchsafed to shew mercy even unto such as were not only by imputation of law, but indeed malicious and mortal enemies to your highness; and therefore I hope that the same goodness of so princely a nature may be moved, and will shew forth itself in like gracious compassion on my behalf. Which

gracious Pardon on my knees I most humbly crave your excellent majesty to grant unto me, by which special favour being raised as it were from the dead, I promise and vow to lead the rest of my life in all humble and dutiful obedience unto your majesty; praying continually for the preservation of your highness's precious life and happy government, to the honour of Almighty God, and the comfort of all obedient and dutiful subjects.

Further Proceedings against Mr. Udall, at the Assizes in Southwark: 33 Elizabeth, February 18, 19, 20, A. D, 1590.

Being called the first day of the Assizes in the afternoon, serjeant *Puckering* said: We do not mean now to deal with you, only I must put you in mind that you have made a Petition, wherein you promise to submit yourself to such order as her majesty shall appoint; consider of it, and look that you do it, for I can tell you, it is looked for at your hands.

Udall. I know not, my lord, what you mean; I made a Petition to her majesty, and will willingly perform any thing promised therein.

Puck. Well, advise well with yourself, and look that you do it, I tell you aforehand.

U. Unless you mean that, I know not your meaning.

Justice *Fenner* dwelling in Surry, sat on the bench, and said: Mr. Udall, I must needs say something unto you; I have heard much good of you, and that you are learned; it were pity you should do otherwise than well; I pray you take heed that those good things which are in you be not marred for want of humility: I tell you humility is a special virtue in a man of your calling, the want whereof marreth all in them that want it; I pray you stand not in your own opinion too much: I have heard that you have done much good, let not humility be wanting, &c.

U. My lord, I acknowledge that humility is a virtue generally required in a man of my calling, without which all other gifts are nothing; for 'God resisteth the proud, and giveth wisdom to the simple:' and I desire that the same virtue may be found in me. But I trust your meaning is not thereby to persuade me to deny the Truth, which I trust the Lord will keep me from, whatsoever befall me.

Fen. I speak to you of good-will, I would not have you stiff in your own conceit.

Puck. Remember what I said unto you.

And so I was carried into a Chamber to be conferred with by some of the Bench, &c. And when that promise which the Judge so much spake of came to be examined, it was nothing but a Sentence in my Submission to her highness, the meaning whereof is (as the words going before it, and immediately following it, do declare) that I professed myself willing to live or die, according as that power which God hath given to her majesty shall appoint. —I having been dealt withal to this effect the first day of the Assizes (by certain of the Bench in private) as also the second day by some of them to this effect, that I would make such a Submission as would condemn the book in question, and justify the hierarchy; and perceiving that I was not to be heard till the last day, I intreated sir Wm. Moore and Mr. Bowyer to be a mean to the Judges for me; that, forasmuch as my case was rare, and I had (as I was persuaded) sufficient to alledge, why (notwithstanding the verdict against me) judgment ought to be stayed, I might be heard over night, that so (according to that good counsel given by them unto me, to advise with myself, and to consider what I would do) also they might have a night to think of what I had to say, and the next day to do with me as God should move them.

Hereupon I was fetched forth before the Judges in private, immediately after dinner; who using many persuasions to draw me to relent (which being in private, I will not express) told me that they sent for me, for that they understood I desired to be heard over-night, which they were willing then and there to do. I answered, My lords, my meaning was not to desire private, but public, hearing, [illegible]g I have nothing to say, but such as would prevent myself, and disappoint my public speech, if I should utter it in private: yet because they told me their other affairs would not permit them to have any time with me till the latter end of the assizes, I was rather willing that I should be prevented, than they should be constrained to determine on a sudden upon so weighty a matter: whereupon I did draw out a paper for each of them, containing these reasons following:

I humbly pray your Lordships to consider, whether these Reasons ought not in conscience to move you to stay the Sentence, notwithstanding the verdict against me, and to be means of my release.

1. It seemeth that my Case is not esteemed Felony by the Judges of the land, seeing they do usually sit in the High Commission Court, where the printing and dispersing of the same, and such like Books, are usually enquired after as transgressions of another nature. 2. No Judgment in law ought to be given in case of Felony, but upon a party first found Guilty thereof by a Verdict of twelve men; but I am not so: for proof whereof, I pray you it may be remembered, that your lordship gave the Jury in issue only for the trial of the fact, whether I were Author of such a Book, and freed them from enquiring the intent, without which there is no felony. 3. I humbly pray you call to mind by what means the Jury was drawn to give that Verdict they did, whether they were left wholly to their own consciences, or were wrought unto it partly by promise, assuring it

should be no further danger unto me, but tend to my good; and partly by fear, as appeareth in that it hath been an occasion of great grief unto some of them ever since. And then I pray you to consider, whether upon such a verdict so drawn from twelve simple men, Christian judges, in a good conscience, may proceed to Sentence of Death? 4. In case the Verdict was never so free, yet your lordships being men of wisdom and knowledge, are to consider, whether the statute whereupon I am indicted, do agree to my Case in the truth and meaning of it, there being nothing in that book spoken of her majesty's person, but in duty and honour; and whether the drawing of it from her majesty to the bishops (as being a part of her body politic) be not a violent depraving and wresting of the statute? which if it be, you being christian Judges, cannot in a good conscience upon such a ground proceed to sentence, contrary to your own knowledge. 5. But if the Statute be to be taken so as it is urged, it ought to be considered that without a malicious intent against her majesty's person, the statute itself maketh no act forbidden by it to be felonious; wherein I appeal first to God, and then to all men that have seen the whole course of my life, and to your lordships own consciences, wherein I pray you to examine yourselves in the sight of God, whether either by yourselves, or the just report of any other, you can find me guilty of any act in all my life, that savoured of any malice or malicious intent against her majesty, or of any other behaviour than standeth with the allegiance and duty of a most dutiful and christian subject. Of which malice or malicious intent against her majesty, if your consciences clear me before God, the act wherewith I am charged being not felony without such an intent; I hope you will consider that you cannot with a good conscience proceed to judgment. 6. Yet if the statute and intent were such as it is said, in case of life the evidences ought to be pregnant, and full living witnesses (I am sure by the word of God, and I trust also by the laws of this land) were to have been produced face to face to charge me. But I have none such against me, neither any other thing, saving only papers and reports of depositions taken by ecclesiastical commissioners and others; which kind of proof the judges of the land cast away in case of lands, and by no means allow to be sufficient, and therefore are much less to be allowed in a case of life: which being so, your lordships ought to have a conscience, that upon so weak Evidences sentence of death be not pronounced. 7. But if the same that hath been given in for evidence in writing, had been testified by men living, standing out in the presence of the court, and of me the accused; I trust your lordships will consider that no one of the evidences do directly prove me to be the author of the book in question; which as it was, hath little force in it, as appeareth by this, that the author of the chiefest testimony is so grieved, that he is ashamed to come where he is known. Whereupon, howsoever the jury have not discerned thereof, yet you being men of skill and understanding, are to have regard of it, and not upon so weak and impertinent proofs, to proceed to Judgment of Death. 8. If all these things were such as they ought to be, yet your lordships are to consider (supposing me to be the Author of the Book in question) that the said book for the substance of it containeth nothing but that which is taught and believed to be a part of the gospel of Christ, by all the best reformed churches in Europe; wherein nothing being diverse from them, I cannot be condemned, without condemning in me all such nations and churches as hold the same doctrine. In which (if there be no error in them) the offence commonly being in form, circumstance and manner of writing, which some men may think worthy an admonition, some more severe worthy correction and amercement, the sharpest cannot judge it to deserve more than some short time of imprisonment. But death for an error of such a kind, in terms and words not altogether dutiful of certain bishops, cannot be but extreme cruelty: Which seeing it ought to be far from any christian man that hath the bowels of Christ in him, surely christian judges professing the gospel, for a service of the gospel (saving some oversight in words and terms) ought not to proceed against me (who have endeavoured to shew myself a dutiful subject and faithful minister of the gospel) to give Sentence of Death. 9. My offence not being aggravated, but remaining as it was the last Assizes when my Submission was accepted, and Judgment thereupon staid; I trust your favour will be the same towards me now also, seeing I am ready to do the like.—If all this prevail not, yet my Redeemer liveth, to whom I commend myself, and say as sometimes Jeremy said in a case not much unlike; 'Behold I am in your 'hands, do with me what seemeth good unto 'you: but know you this, that if you put me 'to death, you shall bring innocent blood upon 'your own heads, and upon the land.' As the blood of Abel, so the blood of Udall will cry to God with a loud voice, and the righteous judge of the world will require it at the hands of all those that shall be guilty of it.

This is the Sum of that which I delivered to the Judges.

The Assizes being almost finished, and the other prisoners, that were called to the bar to have Sentence of Death, standing forth to hear the same; I was at the last called, and demanded what I could say for myself why I should not have Judgment to die. Hereupon I humbly craving audience, began to this effect:

U. My lords, I do acknowledge that I have been hitherto proceeded against by due course of law, and that a Verdict was given in against me the last Assizes as Guilty of Felony, &c. But I do not only, as heretofore, protest mine innocence, but also think that I have sufficient to alledge why (notwithstanding the Verdict) Judgment ought not to be given; wherefore I intreat to be heard.

Judge Puck. I pray you stay, you seem in the beginning to speak contraries; for first you acknowledge the course of law to be due, and afterwards stand upon it that you are innocent. How can a due course of law condemn the innocent?

U. These things agree well enough, as I will shew, if it shall please you to give me leave: it is by due course of law that I have been indicted, arraigned, have had a Jury impannelled upon me, been accused, heard speak for myself, and testimony produced against me: but in that the proof by witness was insufficient, and the Jury either in Judgment or affection misled; thereupon it hath come to pass, that (notwithstanding the due course of law) guiltiness is laid upon a guiltless person. But I pray you let me proceed to the Reasons that I have to alledge for myself.

Then I left the first Reason of purpose, seeing I did rather wish that they only should understand it (which they did by my Papers overnight) than to blaze it to the world; so that I did begin to speak according to the second Reason mentioned before: whereupon serjeant Puckering prayed baron Clarke to speak, seeing it did most concern him.

Judge Clarke. I must needs tell you, you do us and the Seat of Justice great wrong: indeed I told the Jury, what was the law in the opinion of all the Judges of the land; for it was not my private opinion, as I said also at that time.

U. It is not material, my lord, in this case, what the judges think; for though all the Judges in the world thought so, our laws thought no man a Felon, or capable of sentence as a Felon, till he be convicted by the Verdict of twelve men.

Clarke. You are so convicted, as the Record will testify.

U. I acknowledge the Record against me, but I appeal to your lordship's conscience, whether you delivered not unto them speeches to this effect: 'As for the Felony you are not so much to enquire, but only whether he made the Book, leaving the Felony to us.'

Clarke. You do me great wrong, I only told them the law.

U. Well, I leave it to your lordship's favourable consideration; you perceive my reason.

Then I spake to the third Reason, whereupon it was said:

Puck. All that you say tendeth to the disgracing of the court of justice holden against you heretofore; the Jury were left to their own consciences, and did as they saw meet to do.

U. No, my lords, I speak not any thing to disgrace the Court of Justice; for I acknowledge both this course, and all others of the like nature, to be God's holy ordinance, which I ought to reverence; neither do I speak to defame the Jury, but only to give your lordships occasion why you may not proceed to Sentence thereupon: for if the Jury did well, why should it grieve any of them? If they did ill, your lordships may not proceed to Sentence thereupon.

Puck. We cannot remember the particular circumstances that then passed, neither are we to call in question the Verdict; but it is our office to give Sentence according to it.

U. I pray your lordships tell me one thing, Must the Judges always give Sentence according to the Verdict, or may there not be cause to stay it?

Clarke. Yes, there may be cause to stay the Verdict, such may the case be.

U. And I desire no other, but that my Reasons may be well weighed, whether my case be such or no.

Then I prayed, for so much as they had the Substance of that in Writing aforehand which I meant to say, it would please them to give me leave to say at once what I could, lest my memory (being so much weakened and dulled by Imprisonment) should fail me, and so I leave some material thing unspoken. Then I spake according to the fourth and fifth Reasons, whereunto little was replied, saving such things as were mentioned at my Arraignment: only baron Clarke used a very long speech, wherein he compared Mr. Stubb's Cause and mine together; and after the end of his speech, judge Puckering said,

Puck. Who taught you such law? I tell you, you are much deceived and abused in it; one may be within the compass of Felony, though he do not directly mean any such thing.

U. Your lordship knoweth I pleaded these points the last assizes, when I came from close Imprisonment to the bar: I understand English, which is the language wherein the Statute was written, and I profess myself a scholar; and therefore to have (through God's mercy) some understanding of the sense of that I read. It seemeth to me the most direct, and no otherwise to be taken than I understand it.

Then I spake according to the sixth and seventh Reasons, whereunto it was replied thus:

Puck. You are deceived, in that you think the Witnesses against you the less lawful, because the parties were not present. It is an ordinary thing to have Witnesses examined in the Chancery, and other such like courts, which do remain there of as sufficient credit for ever, as they were when the party's oath was taken upon the same.

U. Then would I have answered that the case was not alike, seeing the High-Commission is no Court of Record; but I was not then suffered to speak, for that it was said by the other Judge:

Clarke. Where do you find that there must needs (by the Word of God) be two Witnesses face to face?

U. It is so clear, as the Witnesses were also to have the first hand in executing the punishment upon the party offending.

Puck. That was according to Moses's Law, which we are not tied unto.

U. It is the Word of God, which hath a perpetual equity in it; for the life of man is so

Reasons of my refusal. After two days conference, we agreed upon a Form of Submission, as followeth:

The Form of that Submission which was offered unto me, and I refused.

'I John Udall have been hitherto, by due 'course of law, convicted of Felony, for pen-'ning and setting forth a certain Book, called, 'A Demonstration of Discipline; wherein false, 'slanderous, and seditious matters are con-'tained, against her majesty's prerogative-royal, 'her crown and dignity, and against the laws 'and government ecclesiastical and temporal, 'established by law under her highness, and 'tending to the erecting of a new form of go-'vernment, contrary to her said laws: all which 'Points I do now, by the grace of God, perceive 'to be very dangerous to the peace of this 'realm and church, seditious in the common-'wealth, and justly offensive to the queen's most 'excellent majesty; so as thereby I now seeing 'the grievousness of this my Offence, do most 'humbly on my knees, before God and this 'presence, submit myself to the mercy of her 'highness; being most sorry, that so deeply 'and worthily I have incurred her majesty's 'indignation against me: promising, if it shall 'please God to move her royal heart to have 'compassion on me, a most sorrowful convicted 'person, that I will for ever hereafter forsake 'all such undutiful and dangerous courses, and 'demean myself dutifully and peaceably to all 'authorities both civil and ecclesiastical, estab-'lished in this realm; for I do acknowledge 'them to be both lawful and godly, and to be 'obeyed of every faithful subject.'

The Form of that Submission whereunto I did consent, and set my hand.

'With these three Protestations I do submit 'myself in manner as followeth: 1. I hold the 'Cause of Discipline debated in that Book, to 'be an undoubted truth. 2. I never imagin-'ed any evil against her majesty's person or 'estate; but have sought to honour them both. '3. I never proposed to do or persuade any 'thing, whereby the Discipline might be ad-'vanced, but by peaceable means; endea-'vouring to keep within the compass of law.'

'I John Udall have been by due course of 'law, convicted and condemned of Felony, for 'penning and publishing a certain Book, called 'The Demonstration of Discipline;' in the 'Preface whereof, some matter, as also the 'manner of writing, I confess to be in some 'part so bitter and undutiful, as deserveth 'justly to be censured and punished, and justly 'offensive to the queen's most excellent ma-'jesty: Wherefore the Trial of the law im-'puting unto me all such defaults as are in that 'Book, and laying the punishment of the same, 'in most grievous manner, upon me; and I see-'ing the grievousness of this offence, do most 'humbly on my knees, as in the presence of 'God, submit myself to the mercy of her high-'ness, being most sorry that so deep and just 'occasions should be given to procure her ma-'jesty's displeasure against me; promising that 'if it shall please God to move her royal heart 'to have compassion on me, a most sorrowful 'condemned person, that I will for ever here-'after forsake all undutiful and dangerous 'courses, and demean myself dutifully and 'peaceably, as becometh a minister of the gos-'pel, and as a loyal subject to the queen's most 'excellent majesty.'

At the same time that Dr. Bond was with me, I received a Letter from a friend of mine, that did solicit sir Walter Raleigh for me; wherein were these words:

"Sir Walter Raleigh willed me to let you understand, that her majesty is informed of you, that you hold that the Church of England is no Church, and the Sacraments of the same no Sacraments; and that all her Ecclesiastical Laws are against the Word of God, and so her Government; and that all Ecclesiastical matters ought to be governed by a Presbytery, and she herself to be subject to the censures thereof: And that for these things, and such-like, you are not worthy to live. But if you will write half a dozen Lines under your hand, unto sir Walter, concerning these Opinions, that he may shew it to her majesty, he hopeth to obtain your life. I know it is an easy thing for you to answer all these things; and therefore do it with speed, and in your writing to sir Walter, take knowledge that he hath sent you such word."

Hereupon I wrote a Letter to sir Walter Raleigh, and what I hold in these Points, as followeth.

To the Right Honourable Sir Walter Raleigh, Kt. Lord Warden of the Stannary:

"My duty being remembered unto your lordship, I humbly thank your honour for your great and honourable care over me, and for my good; whereof I trust you shall never be ashamed: most humbly beseeching your good lordship to be a means to appease her majesty's indignation conceived against me, by means of some Accusations untruly suggested. For, God is my witness, I have never had any earthly thing in so precious account, as to honour her highness; and to draw her subjects to acknowledge with all thankfulness, the exceeding blessings that God bestoweth upon them by her majesty's happy government, whereof I trust mine Adversaries will be witnesses, when I am dead. I have sent unto your lordship (as in perplexity I could upon the sudden) what I hold concerning certain Points declared unto me, as from your lordship; praying that it would please you to make known the truth thereof unto her highness: And if neither my submission, heretofore delivered, nor these things now set down, will be accepted to draw her highness, of her gracious compassion, to pardon me, that yet it would please her majesty (that the land may not be charged with my blood) to change my punishment from Death to Banishment. Thus trusting your lordship will vouchsafe me this

favour, and that it will please her majesty thereupon graciously to consider of me, I humbly take my leave, from the White-Lion, Feb. 22, 1590. Your Lordship's to command, JOHN UDALL, Prisoner."

1. 'I do believe, and have often preached, 'that the Church of England is a part of the 'true visible Church of Christ; and that the 'preaching of the Word and administration of 'the Sacraments therein, are the holy Ordi'nances of God, profitable and comfortable to 'every one that rightly partakes thereof: in 'which regard I have been, and do yet desire 'to be, a preacher in the same church; and 'have communicated in the Sacraments and 'Prayers therein, for the space of seven years 'at Kingston, and about a year at Newcastle 'upon Tine, immediately before mine impri'sonment: And therefore I do from my heart 'utterly renounce the schism whereinto the 'Brownists have fallen, in condemning the 'churches of England, and separating them'selves from communicating in the public mi'nistry thereof.—2. I know no other but that 'the statute-laws of this land do maintain the 'holy Ministry of the Word and Sacraments, in 'such manner, as any christian may, with a 'safe conscience, both administer therein, and 'communicate therewithal: Also that the law 'which requireth a Subscription to the articles 'of Religion, so far as they contain the Doc'trine of Faith and Sacraments, is agreeable 'to the Word of God.—3. I do believe, that by 'the Word of God, her majesty hath, and ought 'to have a supreme authority over all persons, 'in all causes, both ecclesiastical and civil, to 'inforce every man to do his duty, and to be 'obedient in every thing that is not contrary to 'the Word of God. And if the Prince should 'command any thing contrary to God's Word, 'it is not lawful for the subjects to rebel or re'sist, no not so much as in thought, but with 'patience and humility, to bear all the punish'ments laid upon them; seeking only by prayer 'to God, and supplication to authority, and 'such like peaceable means, to have faults 'amended.—4. I do believe that by the word 'of God, the churches rightly reformed ought 'to be governed ecclesiastically by the minis'ters assisted with elders; and this is not my 'private judgment, but such as I have learned 'out of the Word of God, been confirmed in by 'the Writings of the most learned and godly 'men of antient and latter times, and have 'seen practised with much peace and comfort 'in the best reformed churches in Europe, and 'even by those Exiles which her majesty to her 'great honour hath hitherto protected.—5. I 'do believe that the censures of the Church 'ought merely to concern the soul, and may 'not impeach any subject, much less any prince, 'in the liberty of body, dominion, goods, or 'any earthly privilege whatsoever; and that 'therefore the papal excommunication that de'poseth princes, and freeth their subjects from 'their allegiance, or any part of christian obedi'ence to civil authority, is blasphemous against 'God, injurious to all men, and directly con'contrary to God's Word: neither do I believe 'that a christian prince ought otherwise to be 'subject to the Censures of the Church, than 'our gracious queen professeth herself to be 'unto the preaching of the Word, and admini'stration of the Sacraments, according to the 'doctrine of our Church, in Mr. Nowell's Cate'chism, and the Homilies of the right use of 'the Church, at this day appointed publicly to 'be read.—If I understand of any other thing 'that I am charged to hold as a strange and 'private opinion, I would be willing to shew 'my mind freely in it; for my desire is, that 'her highness might truly be informed of 'every thing that I hold; so should I be sure 'to obtain her gracious favour, without which 'I do not desire to live.'

These things thus passed, I remained as before, without any great hope of liberty, or fear of extremity, until the next Assizes drew near: at last there came Mr. Nowell, dean of Pauls, and Mr. Dr. Andrews with a new Submission, yet containing nothing (one clause excepted) which was not in the former, which I condescended unto; notwithstanding I refused presently to set my hand unto it (though they promised in the name of the council, that in yielding to it I should obtain pardon and liberty) because I would do nothing without good advice and consideration.

The Copy of the Submission given me by Mr. Dean of Pauls, with his name to it, as followeth:

'I John Udall have been heretofore, by due 'course of law, convicted and condemned of Fe'lony, for penning and publishing a certain 'Book, called 'The Demonstration of Disci'pline;' in the preface whereof, some matter, 'as also the manner of handling of it, I confess 'in some parts to be so bitter and undutiful, as 'deserveth justly to be censured and punished 'according to the laws of this realm, established 'under her highness, and justly offensive to the 'queen's most excellent majesty: wherefore I 'now seeing the grievousness of this offence, 'do most humbly on my knees, and in the pre'sence of God, submit myself to the mercy of 'her highness, being most sorry that so deep 'and just occasion should be given to procure 'her majesty's displeasure against me; promis'ing that if it shall please God to move her 'majesty's royal heart to have compassion on 'me, a most sorrowful condemned person, I 'will ever hereafter forsake all undutiful, sedi'tious and dangerous courses, and demean my'self dutifully, and peaceably, as becometh a 'minister of the Gospel and a loyal subject of 'the queen's most excellent majesty.

'This is the true Copy of the Submission sent 'unto me from her majesty's most honourable 'Privy Council. ALEXANDER NOWELL.'

When I had weighed with myself, that the Clause which is added may admit a good interpretation, and the omitting of that which is left out of my former Submission, causeth no ill

sense of that which is set down, I condescended (being also advised thereunto by my good and godly friends) to set my hand unto it; and thereupon wrote a Letter unto Mr. Nowell as followeth:

"Right worshipful Mr. Dean,

"I praise God with all my heart, that authority hath so good remembrance of my lamentable estate, and yet more that by the same I am for my Form of Submission to deal with a man of that piety and wisdom, that you have been worthily in the Church long agone esteemed to be of, and so have continued to this reverend age that you are come unto. It may please you, sir, to understand, that I have considered of the Form of Submission, that your worship brought unto me, and find nothing in it, but that in a good conscience I can yield unto; for it requireth not of me any denial or disallowance of the Cause of Discipline debated in the Book, for which I am in question; the substance of which doctrine I believe to be the undoubted Truth of God, and therefore ought never to deny or disallow it: notwithstanding with my persuasion I take God to witness, that I never purposed to do or persuade any thing, whereby it might be advanced, but by peaceable means, endeavouring to keep within the compass of law. Further also the said Form of Submission chargeth me not with any malice against her majesty, from which likewise I acknowledge as in the presence of our Saviour Christ, that is ready to come to judge the quick and the dead, that I have been always free, and have carried a Christian, loving and dutiful affection to her majesty's royal person and estate, as I know by the Word of God I ought to do; which being so, I have resolved to satisfy the authority from which you brought me the said Form of Submission, and at your good pleasure without further limitation simply to subscribe it.—Good Mr. Dean, in the bowels of Christ have compassion of my estate, more ways lamentable than I can in a few or many words express, or (as I think) any other but only the spirit that is taught to pray with groans that cannot be uttered: and in such Christian compassion, by your favourable and earnest mediation to the authority that may relieve me, procure my Pardon and free Discharge, of the dangers and troubles wherein I am; that I may say with the Prophet, 'I shall not die, but live, and declare the works of the Lord.'—So shall not only my poor wife and children, but I hope many others praise God for you in that respect, and myself as beholden unto you in a case of life, continually pray for your good estate to the Lord of life blessed for ever. Amen.'

After I had thus set my hand hereunto, I advised also to write unto certain of the Council, and other honourable persons besides; partly to let them understand in what sense I had yielded hereunto, and partly to entreat their favour, and furthermore for my liberty: the copy of which Letter (for it was the same word for word to every one, the title of their several estates excepted) here ensueth.

"Right honourable,

"My present lamentable condition enforceth me, in most humble manner, to crave so much leisure of your lordships from the weighty affairs of the State, as to consider of these few lines. The reverend Mr. Nowell, dean of Paul's, and Mr. Dr. Andrews, a few days ago brought me a Form of Submission (as they said) from authority, with hope of favour for my life, if I would yield unto it. Whereof having considered, and finding nothing in it, but which I had heretofore yielded unto, when Mr. Dr. Bond was with me, one Clause excepted, to wit, That the faults do deserve to be punished according to the laws of the land: which yet hath no such words, but may bear so good a sense, as I think I may in such Form submit myself, without either condemning the suit for a further reformation, or myself as justly deserving by the laws to die; I cannot discern sufficient cause to refuse it, for by the hardest word that I have by due course of law been convicted and condemned; I understand the Form of Proceeding by Indictment, Arraignment, Jury, Witnesses and such like, as also by that Clause, That the manner of writing is in some part such, as deserveth justly to be censured and punished by the laws of this land; I mean of such censures as the good laws of this land, administered with justice, do ordain for punishing of such Offences in the manner of writing; which cannot be of death, without malice against her majesty; from which (I take Almighty God to witness) I have been always free. In regard whereof, I feared lest I might be thought to stand too contentiously and undutifully with authority, and to be too careless of mine own estate, if I should not yield to such a Form of Submission as they brought unto me. Wherein having yielded, as far as in conscience I may, and as authority by their means requireth of me; my most humble suit to your lordships is, that in your Christian and honourable compassion of my most lamentable estate, that it may please your lordships, by your favourable mediation to her excellent majesty, to further my most humble suit, for my pardon and free discharge of these my grievous troubles. So shall I be bound yet more heartily to praise God for your honours, and to pray unto God for your prosperous estate long to endure, to the glory of Almighty God, and to your own everlasting comfort."

Within four or five days after, Mr. Dr. Andrews returned unto me, signifying that all that was done was mistaken, for that was not the Submission that was meant of me, but another. Which when I had perused, I found it the same (only the last Clause left out) which was offered me by the Judges at the Assizes: And he said, the Clerk to whom the making of the Letter to Mr. Nowell was committed, put in one for another. And because I utterly refused to consult of it, as having yielded before to so much as I might, he prayed me to understand what I took exceptions against, and for what reasons. So we entered into many Discourses; as first, how the Discipline could be said to be against the

queen's prerogative royal, seeing it was (as I said I did believe) expressed in the Scriptures, whereby all lawful privileges of princes are warranted. Then we debated whether the Supremacy of a Christian prince be the same with an heathen, or diverse from it. After that, whether the authority of princes in making church laws, be *de jure*, or *de facto* only: and lastly, of the most points of Discipline. Thus we continued five or six hours, and at last he would have no answer of me then, but he prayed me to advise of it, for he would come again. I answered, that the oftener he came, the welcomer he should be, but I told him I would not accept of it; yet he came twice after, and took my Reasons of my Refusal to yield thereunto; and promising me all the favour he could procure me, he departed.

After this the Assizes approaching, and the general report being that it would go hard with me; I being desirous to use any good means, did not only solicit the earl of Essex, and sir Walter Raleigh, who had heretofore dealt for me; but also I was advised to write again unto Mr. Nowell, earnestly charging him to take my case to heart, seeing he had promised to procure me favour: whereupon I wrote unto him this Letter following:

'Right worshipful Mr. Nowell.

'As I did rejoice when I perceived that you 'were employed to deal with me about my Sub-'mission, because of that reverend estimation 'that you have been so long, among the Worthies 'in the Church of God; hoping, that I should 'have found thereby, some comfortable means 'of mediation unto authority for my release: 'so I am now occasioned to fear that all that 'credit which you are of, shall be used as an 'instrument to further and hasten extremity 'upon me. For so much time being passed 'since I voluntarily yielded to that Submission 'which you brought unto me, and no liberty 'appearing from any place, but rather that 'being given out, that my Submission shall be 'a special means to hasten my death, and no 'way to procure my liberty; I am constrained 'to write unto you, to let you understand, that 'as I look for that end the next week at the 'Assizes at Kingston (where I have been a 'Preacher which hath so long been threatened 'but (to the doubling of my torments) de-'ferred; whereunto I doubt not the Lord will 'strengthen me, as graciously he hath hitherto 'done: So I pray you, as you will answer unto 'God for my blood, which I am persuaded your 'credit being employed to the uttermost (as in 'the Word and Faith of a Christian you pro-'mised) might have preserved, that you would 'so take my case to heart, as it may inforce 'you to leave no stone unturned which may 'either further my liberty, or at least clear your 'conscience from being any way accessary to 'my death. For it will one day be an heavy 'thing to your heart, to think that you should be 'set on work, and the account that is worthily 'made of you employed under pretence, yea, and 'as it were with assurance of life and liberty, 'to draw that from a Preacher and Professor 'of the Gospel, which afterward shall be used to 'hasten his end: and you will say it had been 'better that you had never been of any reckon-'ing, than to be made an instrument to further 'such an action. This I write unto you, not 'in any troubled affection with the fear of 'death, for I thank God I am willing to end 'my days, and (if it please the Lord), even in 'this manner; and hope that my death shall 'further the cause for which I suffer, more 'than my life: but lest I should neglect any 'means which might seem to be a furtherance to 'prevent the same, or leave that duty unper-'formed unto you, which I take myself in con-'science bound to discharge. The Lord make 'us willing and able to discharge every good 'duty, that he enjoineth us, to his glory, the 'good of his Church, and our own comfort, 'whether by Life or Death!'

About the same time came a Letter from the king of Scotland to a Scotish merchant, one Mr. Johnson, lying in London, to be delivered to her majesty (as was said), being written in my behalf, as he had done once before when I was close Prisoner; this Letter did the merchant deliver to her majesty, and the dean of Paul's upon my Letter went to the Council; whereby whatsoever was wrought, as soon as the Judges heard that I was brought to Kingston, where the Assizes were then kept, I was immediately returned unto the White-Lion in the evening, before the first day thereof. Afterward Mr. Johnson had the Copy of the king's Letter sent unto him, which then appeared to be written not for me alone, but also for the rest of my brethren the Ministers in Prison for the same Cause of Discipline; the tenor of which Letter here followeth:

The just Copy of the King's Letter sent to her Majesty.

'Right Excellent, High and Mighty Princess, 'our dearest sister and cousin, in our heartiest 'manner we recommend us unto you: hearing 'of the apprehension of Mr. Udall, and Mr. 'Cartwright, and certain other Ministers of the 'Evangel within your realm, of whose good 'erudition and fruitful travels in the Church, 'we hear a very credible commendation; how-'soever that their diversity from the bishops 'and others of your clergy, in matters touch-'ing them in conscience, hath been a mean by 'their dilation to work them your misliking; 'at this present we cannot (weighing the duty 'which we owe to such as are afflicted for 'their conscience in that profession) but by 'our most effectuous and earnest Letter inter-'pone us at your hands, to any harder usage 'of them for that cause: requesting you most 'earnestly, that for our cause and intercession 'it may please you to let them to be relieved 'of their present strait, and whatsoever further 'accusations or pursuit depending on that 'ground, respecting both their former merit, in 'setting forth of the Evangel, the simplicity of 'their conscience in this defence, which can-

'not well be their lett by compulsion, and the 'great slander which could not fail to fall out 'upon their further straiting for any such oc- 'casion: which we assure us your zeal for re- 'ligion, besides the expectation we have of your 'good-will to pleasure us, will willingly accord 'to our request, having such proofs from time 'to time of our like disposition to you, in any 'matters which you recommend unto us. And 'thus, right excellent, right High and Mighty 'Princess, our dear sister and cousin, we com- 'mit you to God's good protection. From 'Edinburgh the 12th day of June, 1591.

Presently upon these things fell out that wretched matter of that leud fellow Hacket, whereby the adversary did take occasion so to slander the truth, and to disgrace the professors of the same unto her majesty, that I thought it bootless to sue. And so I did little till the Lord Chancellor was dead, and forgotten by such as were sorry for it; so that about Easter term following, I sued for liberty to go to church, which was denied me, being a condemned man: but by the lord Treasurer's means, I got a copy of my indictment, which before I could not obtain.

Hereupon I getting a Pardon framed according to the Indictment, sent it with a Petition by my wife to the Council, who referred me to the Archbishop, unto whom I both had sent divers Petitions, and dutiful Letters, and also got many of my friends, both honourable personages and others, to sue him, yet could not his good-will be gotten. At last the Turkey merchants having my consent to go for a time into Guinea to teach their people that abide in that place, if they could procure my liberty, sent unto him for his consent, who promised his good-will, so that they would be bound that I should go indeed, when I had my liberty. But when two of the antients of the company went unto him for his hand thereunto, he would not yield it, unless they would be bound not only that I should go (which they were willing unto) but also that I should tarry there, till I had her majesty's licence to come thence.—This condition they could not yield unto, for that I denied to go upon any such ground; so was their suit, and my hope of liberty, at an end; saving that one Mr. Cavell, who had been the first beginner of it, and being to go into Turkey did most affect it, moved the dean of Paul's in it: who thereupon wrote to my lord Keeper, pessuading him of the conveniency of that journey for me, and my fitness thereunto. Which letter when he received, he did so deal with the archbishop, as they both promised at their next meeting at court to deal with her majesty to sign my pardon, that so I might have liberty to go the voyage.—But her majesty never did sign the Pardon, and the Turkey ships going away without him, Udall died in the Marshalsea prison about the end of the year 1592, quite heart-broken with sorrow and grief.

69. The Trial of Sir John Perrot, Lord Deputy of Ireland, at Westminster, for High Treason: 34 Eliz. April 27, A. D. 1592.

The Commissioners were, the Lord Chamberlain, the lord Buckhurst, sir Robert Cecill, Secretary Woolley, Mr. Fortescue, the Master of the Rolls, sir Edmund Anderson, Lord Chief Justice of the Common Pleas, Justice Periame, Justice Gawdie, Justice Fenner, Mr. Rokeby, one of the masters of her Majesty's Court of Request.

Sir John Perrot being brought to the King's Bench-Bar, accompanied with the Lieutenant of the Tower, and sir Henry Lee; and proclamation for silence being made, the Lieutenant was commanded to return his writ of *Habeas Corpus*. Then was sir John commanded to hold up his hand. Here sir John Perrot made low obeysance, and desired he might be heard to speak before he held up his hand. He protested that he never had thought of Treason against her majesty, and desired that the witnesses might be good and sufficient: he knew well the place whereunto he was brought, and therefore he would submit himself humbly to their honours, and said, sithence it was God's will, and her majesty's, he gave God hearty thanks therefore.—Then was he bid to hold up his hand again. Whereunto he answered, Look what is to be done; and here is as true a man's hand as ever came in this place.

The Effect of the Indictment.

'That the last of January 1587, in the 30th 'year of the queen's majesty, he the said sir 'John Perrot falsely and traiterously, &c. did 'imagine in his heart to deprive, depose, and 'disinherit the queen's most excellent majesty 'from the royal seat, to take her life away, to 'make slaughter in her realm, to raise Rebel- 'lion in England and Ireland; and that he did 'procure a foreign power to invade the two 'realms.—That one James Eustace, viscount 'Baltinglas, being a false Traitor to her majes- 'ty and the state, sent Letters of Treason from 'Madrid to the said sir John Perrot by one 'Dennis Oroughan, an Irish priest. That the 'said sir John sent Letters of Treason to the 'said viscount Baltinglas into Spain, by the 'said Dennis Oroughan.—That whereas the 'queen's majesty, in April the 27th of her ma- 'jesty's reign, did write her Letters to the said 'sir John Perrot, signifying unto him that her 'pleasure was, that the said sir John should 'not proceed in any matters of government, 'without the advice of some of her majesty's 'council in Ireland, wherein she graciously ad- 'vised him not to murmur, but to take the 'same dutifully, and in good part; notwith-

'standing he the said sir John, shortly after the 'receipt of the said Letters, did send for the 'archbishop of Dublin, and reading the same 'Letters unto him, in a great fury said these 'words, 'If she will use men thus, she will '' have cold service, and some one day she '' will have need of me.'—That in the 29th 'year of the queen's majesty he did maintain 'horrible and unknown Traitors, not doing jus-'tice upon them.—That pope Gregory 13, and 'the king of Spain prepared an Army to invade 'England; at which time the said sir John 'sent Letters to the king of Spain, promising 'him aid and assistance in the Army: which 'Letters Dennis Oroughan carried into Spain, 'and received of the said sir John divers sums 'of money therefore.—That sir Bryan Orieke, 'a notorious false Traitor, was procured and 'animated by the said sir John to move and 'stir up Rebellion in Ireland.'

Here again sir John desired to speak, and said that he was 64 years old, and had been long imprisoned, yet very honourably used at my Lord Treasurer's, but found fault with his lodging in the Tower; and said he was by nature cholerick, and knew not what imperfections his Imprisonment might work in him; and therefore if he should happen to fall into any extraordinary speeches in that honourable place, he craved pardon, alledging that the same should not proceed for want of duty or obedience.

Then Mr. Sands, Clerk of the Crown, asked him, If he were Guilty of this first Indictment. He answered, clapping his hand upon the Bar, in these words; I am not guilty of any part of that which is laid down.—Then was he willed to hold up his hand again: whereunto he said, (holding up his hand) What again? Here is a true man's hand.

The Effect of the second Indictment.

'That the 15th day of May, in the 27th 'year of the queen, sir John Perrot being at 'Dublin, received Letters from Alexander duke 'of Parma, craving his furtherance in giving 'Aid to the king of Spain's power.—That the '20th of June, in the 28th year of the queen, 'he sent for sir Wm. Stanley to entreat and 'confer with him touching his traitorous pur-'poses; and that on the 30th of June, 28 'Eliz. he talked with the said sir William 'Stanley to that effect.'

Then he was asked if he were guilty of this Indictment: whereunto he answered these words, viz. Even as guilty as you are in speaking, Mr. Sands. Mr. Sands asked him by whom he would be tried. I will be tried, said sir John, by God and good men, and I shall not remember the most of the points.

Then said Mr. Serjeant Puckering unto him; You shall be remembered of every matter piecemeal.

Sir John Perrot said, I pray God the Lord be not angry with these courses; there is a judge in Heaven who knoweth all.

Here the Sheriff was commanded to return the precept directed unto him for the summoning of the Jury for our sovereign lady the Queen, and an O-yes made that every Juror should answer to his Name.

The names of the Jurors were, Rd. Martyn, kt. John Machell, Henry Row, Rd. Weeks, Robt. Carr, John Padge, Henry Goodyer, Wm. Paggenton, Hugh Offley, esq. John Hautrey, Wm. Megge, Henry Holford, John Stone, John Vavasour, Wm. Hichcooke, Rd. Edlyn, Christ. Read, Wm. Kinton, Tho. Fowler, John Powell, Barth. Quenye, Humfrey Wylde, Tho. Russel, George Millot. Out of these 24 were 12 taken, whereof the foreman was Hugh Offley, esq.

Then Mr. Sands willed sir John to mark the Jurors well as they were called to be sworn, to see if he knew cause of challenge to any of them, before they were sworn between our sovereign lady the queen and him. Whereunto he answered: Woe is me that she is made a party against me! And then he demanded of my L. C. J. of the C. Pleas how many he might challenge. The Lord Chamberlain answered, That they of the Bench were not to give Counsel to the prisoner. Then said my lord Buckhurst unto sir John, If you have any just cause of challenge against any of them, you may challenge; if not, why should you challenge?

Then he challenged two of the Jurors, and said, Lord send me justice, and for God's sake let me have good men; and wished he might have men of his own sort, and such as knew service, and feared God; and desired that none might go upon him that had any suit in law with sir Thomas Perrot his son; and wished for more good Aldermen: yet if they that were sworn feared God he cared not.

Here the Indictment was read unto the Jury, and after that an O-yes made, to know if any man were there to give Evidence against the Prisoner at the bar in behalf of her majesty.

Then Serjeant Puckering rehearsed to the Jury the principal Points contained in the Indictment aforesaid. But before he handled the same, he opened unto the Jury, that the original of his Treasons proceeded from the imagination of his heart; which imagination was in itself High-Treason, albeit the same proceeded not to any overt fact: and the heart being possessed with the abundance of his traitorous imagination, and not being able so to contain itself, burst forth in vile and traitorous Speeches, and from thence to horrible and heinous actions; for Mr. Serjeant said, *Ex abundantia cordis os loquitur.*

Then sir *John* prayed serjeant P. to lay aside words, and to proceed to the matter of the Indictment. Whereunto he answered, he would proceed by degrees; but would first begin with his contemptuous Words, which contained in them High-Treason.

Then serjeant *Puck.* shewed, That sir Nicholas Bagnol, marshal of Ireland, being with sir John Perrot in his house, and entering in communication together, and falling into hot words, sir John brake forth into these Speeches, 'If it were not for yonder pild and paltry

sword that lieth in the window, I would not brook these comparisons:' Speaking of her majesty's Sword of Justice carried before him.

To this he answered, that he termed the same after that sort, because the scabbard of the same sword was old and worn; and within one week after he caused a new scabbard to be made. And then falling from that point to other idle discourse, my lord of Buckhurst told him, he was before a Bench very wise and learned, and before a wise Jury; and therefore if he spoke not to purpose, it would but hurt his cause, and give them all occasion to think that he had nothing to speak in his own Defence: for if he had, he would not go from the same, and follow other frivolous and unnecessary matters.

Then it was shewed that the queen having directed her Letters of commandment to sir John Perrot in the behalf of sir Tibert Butler, for the placing of the said sir Tibert Butler in the barony of Kaire, he the said sir John being moved therein by the said sir Tibert Butler, at the Council-Table in the castle of Dublin, used these speeches, 'Stick not so much upon the queen's letters of commandment, for she may command what she will, but we will do what we list.'

To this matter sir John answered; He remembered not what Speeches he then used, and said it might be he used some speeches cholerickly, as naturally he used to do, for it was his disposition: but notwithstanding any speeches whatsoever, yet he said he executed her majesty's commandment therein:, and added, that he did always from time to time execute her majesty's commandments or warrants in all things whatsoever.—Then said my Lord Chamberlain, You are not charged with not executing her majesty's commandments, but with contemptuous speeches used against her majesty in the matter.—Then sir John going from the matter, and speaking more than was needful, my lord Anderson willed him to have patience to hear all, and then to answer all.

Then it was shewed, that sir John calling a Parliament at Dublin, among other matters he moved to suppress the cathedral church of St. Patrick in Ireland; and her majesty then sending Letters to the contrary, he used these words with a stern countenance, 'Nay, God's wounds, I think it strange she should use me thus.' With these words the Bishop of Meath was moved, and found fault with his undutiful demeanour; and said, he spoke as though the kingdom were his own, and not the queen's.

To this matter sir John answered by way of Excuse, and said, that the abp. of Dublin was his mortal enemy, and that the reason why he was moved to suppress the said Cathedral Church, was to have an University erected thereupon; but, he said he was withstood by the said abp. because he and his children received by the said cathedral church 800 marks a-year: and he said further, that the said abp. bare him the greater malice, for that the queen's majesty sending her letters unto him for the discharging of many idle and unnecessary Pensions, he discharged among the rest one of the archbishop's sons.

It was then declared, That whereas the office of the Clerk of the Exchequer was void, and that Mr. Errington had made humble suit unto her majesty to be preferred to that office, in consideration of his good and dutiful service; her majesty directing her Letters to sir John for admitting the said Mr. Errington into the said office, he the said sir John Perrot used these undutiful Speeches upon the receipt of the said Letters, 'This fiddling woman troubles me out of measure; God's wounds, he shall not have the office, I will give it to sir Thomas Williams.' This was proved by the oath of Philip Williams.

Against Philip Williams sir John took exceptions; affirming the said Williams to be his mortal enemy: and said he was a naughty leud man, of no credit, and had abused my Lord Treasurer in a letter; for the which he said, he did beat him in his Chamber: and further he said, he did write to the Master of the Rolls, and to Mr. Powle, touching the leud and undutiful behaviour of the said Williams.

Then it was shewed that sir John having received letters from her majesty, wherein she checked him for divers complaints, having read the same Letter, he used these undutiful Speeches; 'It is not safe for her majesty to break such unkind and sour bread to her servants;' he being Lord Deputy, and a servant of trust. This was spoken to Philip Williams.

Afterwards Philip Williams being his Secretary writing to her majesty in sir John Perrot's name, among other things he said, 'He would be sacrificed for her;' which words sir John reading, bad Williams put them out; saying, 'He had little cause to be sacrificed for her:' adding, 'That he could not forget her ever since the time he could not get justice of her, against some of her guard, for murdering some of his men.'

When it was bruited abroad that the Spanish Fleet was in preparation for the invading of England, sir John entering into communication with Philip Williams touching the said army, Philip Williams said, 'He hoped God would bless us for her majesty's sake:' whereunto sir John Perrot answered, 'God's wounds, and why for her sake? Never the more for her sake.' This was proved by the Deposition of Williams.

Here sir John called for Williams, that they might speak face to face: whereunto Mr. Attorney (sir John Popham) said, that Williams was in the Tower in the same state that he was, and was to answer to matters of his Treason as well as he.

Then it was shewed how the Queen sent him a Letter, wherein she wrote very favourably unto him, advising him to look well unto his Charge, about the time the Spaniards should come: whereupon he spake these words; 'Ah silly woman, now she shall not curb me, she shall not rule me; now, God's lady dear, I shall be her white

boy now again; doth she think to rule me now?'—Shortly after John Garland brought a Letter from her majesty to sir John Perrot, whereat he conceived great discontentment; insomuch that he broke forth into these undutiful terms following: 'God's wounds, this it is to serve a base bastard piss-kitchin woman; if I had served any prince in Christendom, I had not been so dealt withal.' Here he prayed the devil might take him body and soul, if ever he uttered such words, and exclaimed against Garland. Sir John talking with Nath. Dillan, Clerk of the Council of Ireland, asked him this question, viz. 'If her majesty should be distressed, dost not thou think that I am the fittest man in England to have the keeping of her body?' This was verified by the oath of Nath. Dillan.—Talking with the abp. of Dublin in his chamber touching the coming of the Spaniards, sir John said, 'God's wounds, let them do in England what they can, we shall do well enough in Ireland; if her majesty were gone, we should do here in Ireland better than they in England should do.' This was justified by the oath of the abp. of Dublin.

Whereunto he said, he renounced God's mercy if he ever spake any such words. And all this, serj. Puckering said, did declare his malice against her majesty. My lord Buckhurst told him that those speeches did shew a disloyal mind. Here sir John exclaimed against the Witnesses, calling them leud and wicked men, and saying he was bought and sold.—When sir John Perrot said, that he wrote his Letters to her majesty, desiring to be revoked and called home, and made suit to sir Francis Walsingham to that effect; Mr. Popham told him, that when he saw him curbed, as himself termed it, by the Council, and that he could do nothing without their privity; then he sought to come away, with an intent to make himself a ruler in Wales.

Here they proceeded to the Treasons.

Mr. Attorney declared that Dr. Craugh being a known Traitor, and a man that had maintained religion from time to time, and had seduced many people in Ireland, and was a dangerous instrument to be suffered in those parts; and sir John being given hereof to understand, did not use that diligence in the apprehending of him, as became his place: for after he had given out warrants for the seeking of him, then he gave out a countermand they should use all diligence in apprehending of him in all places, except in the White Knights country, where sir John knew the said Craugh to be; which did manifestly shew he would not have him taken.

My lord Buckhurst said to sir John, that he granted Warrants to take him where he was not. Sir John said, there was a God that knew all; marvelling that he having known religion these 46 years, should be charged with favouring of Priests and Massmongers.

Mr. Attorney willed him not to stand upon Religion; for then, said he, we shall prove you irreligious. Will any man of Religion seek to have men murdered? Will any man of religion stab a man in the cheek, and after bring him to the fire to be roasted, to make him confess that he knoweth not, and afterwards hang him by martial law?—Mr. Attorney, to prove sir John of no religion, further shewed, that sir John being in his chamber at the Castle of Dublin, looked out at the window, and espied sir Dennys Oroughan, who knew all his secret Treasons, and willed his chamberlain to call unto him Stephen Seager; who being come, Sir John commanded away his chamberlain, and locked the chamber, and willed Seager to look out at the window, and said, Seest thou not one beneath in a black mantle? Seager said he saw none there; Sir John said, There is one there: you see how I am crost by some of the council here, and he is going to the North with letters from some of the council to move them against me; I would have thee take these letters from him, kill him, cast him aside, and bring those letters to me. Stephen Seager hereunto answered, that he would rob him of the letters, but he would not kill him with his hands; or if he would give commandment to hang him by martial law, he would see it done. Whereupon sir John said, 'Go thy ways, thou art a paltry fellow; I did it but to prove thee.' This was proved by the oath of Seager.

Sir John then called for Seager, to speak with him face to face, who justified all that he had said.—My lord Chamberlain said, Now you see you bad him kill one.—Then said sir John, Because he hath sworn it, I will not reprove him; it may be I spake such words, but I remember it not.

Mr. Attorney said, we have alledged these matters against you, to shew you to be a man of no Religion.—Whereat sir John stormed and was angry; saying, they went about not only to make him a traitor to his prince, but a traitor to God; which, he said, they should never do.—Mr. Solicitor (Egerton) told him that all the Papists desired his government there.

Mr. Attorney then declared further, That one Richard Morrice, a priest, a notorious Traitor, being a passer from Ireland to viscount Baltinglas in Spain, and from thence to Rome, to confer of Rebellions and Invasions for England and Ireland, sir John Perrot knowing the said Morrice to be a most dangerous person to the state, would not give order for the taking of the said Morrice, as he should have done: but the bishop of Cashell caused him to be apprehended of his own authority, and sent him to Mr. Poor, the sheriff, to be sent to the Castle of Dublin, whereupon the friends of the said Morrice told them that Morrice had better friends than all they had; and shortly after Morrice was discharged, and never called more in question. And all this was affirmed by the Oath of the abp. of Cashell, and of the said Poor, *vivâ voce*.—Then said Mr. Attorney, that Halie being a man that conversed with Craugh, and dealt with him in his Treasons, told him that Poor had a

warrant to apprehend him and others: Whereupon he told him, that he could be better trusted than twenty such as Poor was that should take him; presuming upon the favour of sir John Perrot.—The abp. of Cashell did complain to sir John that the said Halie was a notorious Traitor, and thereupon delivered to sir John Articles against him and others, and desired sir John to grant him a Commission for the apprehending of them; praying him in the mean time to keep the said Articles secret until they were apprehended: Notwithstanding, before they could be apprehended, within three days, the self-same Articles were taken from one Patrick Young, being a partner with the said Halie in his Treasons; and thereupon they all escaped.

Mr. Solicitor then said unto the Jury, You see, Halie was accused of Treasons, and the Accusations being delivered to sir John in secret, he sent them to Halie before he could be apprehended; which was plain Treason. And this was verified by the bishop of Cashell's Oath.

The lord Chamberlain said, You ought to have acquainted nobody with the cause, until they had been apprehended. Sir John protested, and took God to his record he was ignorant what was become of him.

Then Mr. Attorney turning to the Jury said, By this which hath been proved, you may see how he hath always been a confederate and maintainer of notable Traitors against her majesty; namely these three, Craugh, Morrice, and Halie, with others their confederates.

At what time a Rebellion was raised in the North part of Ireland divers of the said rebels made rhymes of her majesty, wherein they shewed themselves rebels and traitors, as concerning her birth; traitors, as concerning her person; and traitors to her royal dignity: which rhymes came to the hands of sir Rd. Bingham, and the rhymers taken and committed to prison, and one of the said rhymers sent to sir John Perrot by Woodhouse. Sir Rd. Bingham sent them to sir J. Perrot, certifying him what he had done, and prayed sir John Perrot to write his pleasure what should be done with them: whereupon sir John sent him word to discharge them all. Howbeit sir Richard detained the chiefest of them in prison; but sir John afterward sent a special warrant to the said sir Richard to discharge him, taking bonds of him for his appearance by a day: All which he confessed to be true, saying, that by virtue of his patent he might pardon them. This was proved to be true by Marbury and Woodhouse, *viva voce.*

Whereunto Mr. Attorney answered, that he could pardon no Traitors to her majesty's person, but ought rather to have proceeded in justice against them. And here he willed the Jury to consider upon this point.

Sir *John* then said to Mr. Attorney, By God, I never saw such a man since I was born, I pray you sit down, and let me speak; and so he turned his talk to Woodhouse, and said he had spoiled the North part of Ireland, with other frivolous speeches.

Sir Brian Orurke, a notable Traitor, and executed of late at Tyburn, about that time, in a Christmas, disposing himself to villainy, took down a Picture, and did write Elizabeth thereupon; and using the same in most contemptuous and despiteful manner, tied the same to a horse-tail, and he with others dragged it in the dirt, and hacked it with gallow-glass axes, signifying how they would have used her majesty if they had her in their power. This traitorous act being made known to sir John Perrot, he would not give order for the apprehending of the said Orurke, to do justice upon him for so horrible a Treason; whereas he might have had him, if he had sent but his horse-boy for him, and after he was known to be in company with him. To this he said little.

Sir Dennis Oroughan being called to testify against sir John Perrot, and the book being offered him to swear, Sir John said it was no matter whether he were sworn or not, for his word and his oath were all one; for there was neither truth nor honesty in him.—My lord Buckhurst said he must be sworn, for it was for the queen.

The said Dennis Oroughan told Mr. Poor that he had been in Spain, and had brought letters from viscount Baltinglas to Feugh Mackheugh in Ireland, and divers others; and said that he had news to tell the lord deputy, that would save the queen 100,000*l.* Poor discovered this to sir John Perrot, and Dennis was committed to prison in the Castle of Dublin.—Sir John knowing that Dennis was in prison sent for him, to come unto his bed-chamber, where he had conference with him, and told sir John he had brought him a letter from viscount Baltinglas in Spain.—Sir John demanding of Dennis why he gave him not the letter at his first coming out of Spain? He answered, For fear of being executed, as one doctor Halie late was: and he sent a letter and a token to his wife, that she should bring him the same which was in a box; which letter and box Margaret Leanard, wife of sir Dennis, did shortly after deliver to sir John Perrot in his bed-chamber. For proof whereof one Rice Thomas and Margaret Leanard both deposed, that the said letter was delivered to sir John Perrot as declared. Feugh Mackheugh's wife affirmed, that Dennis brought her husband a letter from Baltinglas in Spain.—Now Dennis being known to have had conference with a notable Traitor in Spain, and to bring two notable Traitors into Ireland, and committed to the Castle for Treason, was nevertheless set at liberty in the castle, and had access to sir John early; and they sat for a long time together, and he had his meat and drink in the porter's lodge in the withdrawing chamber, next to his bed-chamber, and other places, and commandment to have wine and whatsoever he wanted, and had a private way to his bed-chamber. This did sir Dennis testify himself; to whom sir John said, A mischief on thee, I pray God! Woe be to the time

that ever thou wert born, or that ever I saw thee! One John London also justified, that the said Dennis had the favour and maintenance of sir John Perrot for half a year together.

Here sir John Perrot being pressed by the queen's Counsel, said unto them, No one man can answer such three grave learned men as you are; you cloy me now I cannot speak.—Then said my lord Buckhurst unto him, Truth will answer itself, and innocency defend itself.—Then my lord Chamberlain said, That never was any man that came to that place dealt withal so favourably as he was; and greater men than he have not had that favour, as to bring their Writings and Letters with them.

Then sir John said, He thanked God and the Nurse of Mercy, the queen's majesty, whom he called the Handmaid of Jesus; and said, he always carried so reverend an opinion of her, that had she not been a queen, he would have made her one, if it had lain in his power.

Then was touched the extreme Malice sir John shewed against the Cavener: and the better to execute his purpose, sir John found means that the Cavener should offend the law, by making an escape out of prison; and so being escaped, was after taken and hanged. This matter being urged against sir John, he said, You win men's lives away with words. My Lord Chamberlain said, I fear me the Cavener's blood will light upon you.

Now sir John Perrot began to discredit the Testimony of Dennis the priest, saying he had changed his religion five times in six years; and he did counterfeit himself a regish bishop.

The queen's Attorney then said, If he were so leud a man of his life, I marvel you would commerce with him, and repose yourself so much upon his honesty.—A man of no religion can be no Witness, said sir John; he is a sorcerer and a witch. To which he was answered, If he were so defamed, why did you favour him so much? How many pardons have you given him? It was said he had given him two.

Sir John proceeded against sir Dennis, and said he had counterfeited his hand above eight times; was a common drunkard, a common liar, and had been forsworn a thousand times.

The Attorney then said, If he were the worst man in the world, yet was he worse for sir John Perrot.

Dennis was then called again, and said, That sir John delivered him two Letters to carry to the king of Spain, signifying that he would be a mean to help him to England and Ireland, so he might have Wales: but he would have it as the princes of Germany have their dukedoms, that is *jure regio*, to be a prince and lord himself, and not to depend on any other. And herewithal he delivered to the said Dennis 50*l.*, and so the said Dennis departed to Ross.—The said Dennis did farther swear, That sir John Perrot and sir Brian Orurke were confederates together in the parliament; and that each of them swore to other to further the king of Spain in the action of England.

Here sir John Perrot waxed hot against sir Dennis, and said, He was a lousy villain, and a rogue, and had the pox upon him.

One Francis White, and others of Ross, said, that true it was that the said Dennis was at Ross, ready to go for Spain, and came to him to change silver into gold; but after fearing and suspecting some body in the ship, he would not go himself, but procured one Davie to carry the said letters into Spain, with great charge for the safe delivery thereof, and gave him five pounds for his pains. It was further declared, that sir John having conference with sir Wm. Stanley in Ireland, sir John wished him to revolt, assuring him that the Irish-men would live and die with him. Sir Wm. Stanley going from Ireland, to have 1600 men for the Low-Countries, Feugh Meckheugh, being a known traitor, brought him certain men, and bad his men do as sir Wm. Stanley would have them to do, whether it were right or wrong; and thereupon they shook hands and parted.—To this sir John Perrot said, If Stanley be a Traitor, what is that to me?

It was proved that sir Thomas Williams sent Letters from Ireland into England, to sir John Perrot, with strict charge given to the bearer that he should deliver them safely to his own hands; and made them to be sewed to the lining of his doublet within his bosom: which letters were delivered to sir John Perrot at York house.—John Burgh of Abson had conference with sir Wm. Stanley at the Groine, who amongst other speeches asked him what places in England were fittest for landing, if the king of Spain should invade England again? Burgh answered, Portsmouth. Sir Wm. Stanley disliked of that, saying he knew nothing, but rather thought Milford-haven the fittest place; affirming they should find better friends in Wales than the queen had, and some of them were near the queen.—Letters were sent from the duke of Parma to sir John Perrot by one Browne, and an Answer from the said sir John to the said duke by the said Browne, to whom the duke gave a bark. It was likewise proved that he sent letters to sir Wm. Stanley. When sir John Perrot was to come to England, he went about to get a pardon for all his actions before he would come over, wherein he shewed his guilty conscience.

Here the queen's learned Counsel prayed the Jury to consider well of that which had been said, and willed them to go together. Then sir John Perrot willed them to consider their Charge, and have a conscience in the matter; and to remember that his blood would be required at their hands, if they dealt further than their conscience did warrant them. Then the Jury departed from the bar, and within three quarters of an hour returned to the bar; and being demanded whether the Prisoner were guilty or not of the several Treasons comprised in the Indictment, they answered, Guilty.

Then serjeant Puckering in the queen's name began to pray Judgment; and sir John Perrot desired most humbly that he might speak with

some of their honours before Sentence should be pronounced. Whereunto they condescended, and commanded he should be brought to talk with them in the Chancery; where after some communication had among them, they all repaired to their places, and sir John came to the court of King's-Bench being with them, and Judgment was stayed, until her majesty's pleasure were further known. Then was the Court adjourned to the 2nd of May; and so the Court ended, and every man said, God save the queen!

For the better understanding of the aforesaid Arraignment of sir John Perrot and the Judgment that followeth, it is to be known that at the time of his Arraignment, being the 27th of April, anno 34 Eliz. Mr. Puckering was the queen's serjeant at law, Mr. Popham the Attorney General, and Mr. Egerton Solicitor.

But before the day he was brought to receive Judgment, her majesty's said learned Counsel were removed as followeth; that is to say, Mr. Puckering was made Lord Keeper of the Great Seal; Mr Popham L. C. J. of the Queen's-Bench, and Mr. Egerton Attorney General. This making and removing of Officers was done at the court of Greenwich on the 28th of May 1592. My Lord Keeper went to Westminster to take his oath very honourably with lords, knights and gentlemen, on the 4th of June 1592, and that day sat first in the Chancery. And on the 8th he first sat in the Star-Chamber.

On the 26th of June sir John Perrot appeared before the Commissioners; who were, the Lord Chamberlain, the lord Buckhurst, sir Robert Cecil, secretary Woolley, Mr. Fortescue, the L. C. J. of the C. Pleas, justice Gawdie, justice Pennel, Mr. Rookesbie, one of the Masters of the Court of Requests.

First the said sir John Perrot that morning was brought in a coach from the Tower to the Old Swan, and thence conveyed by water to Westminster-bridge. Between the hours of 8 and 9 he landed at Westminster-bridge, and was brought into Westminster-hall, being accompanied with Mr. Crooke, son-in-law to the Lieut. of the Tower, on his right hand, and Mr. Blunt, son to the Lieut. on his left hand, and being strongly guarded by divers of the yeomen of the guard, with halberds, and the lieutenant's men with weapons all round about him: and in that sort he was brought up to the Queen's-bench bar, where he stood for a quarter of an hour bare-headed, expecting the coming of the Commissioners. But Mr. Rookesbie, one of the Commissioners, was sent, who had taken his place before the coming of sir John Perrot into the Hall, and tarried for the coming of the rest of his associates.—The said sir John Perrot was clothed in a doublet and hose of black sattin plain, and a gown of wrought velvet furred, and a square or flat crowned black felt hat, with a small band, and a plain white ruff. The said Mr. Crooke and Mr. Blunt supplied the room of the Lieutenant, for that he was sick, and could not be there in person.

Divers of the queen's Commissioners, and her learned Counsel being come to the Hall, staid until the coming of the Lord Chamberlain, at whose coming they all took their places and sat in judgment. Then an O-yes was made, and the Lieut. of the Tower called to return his Writ, or Warrant directed unto him for the bringing of the prisoner forth. Then Mr. Crooke having the said Warrant, which was written in parchment, and having four or five seals of red wax annexed to the same by slit labels, delivered in the same to the Court; and humbly craved that the lieutenant might be excused for his absence, and declared the cause thereof. Whereupon Mr. Sands, Clerk of the Crown, taking the said Writ, and turning his face to the Lord Chamberlain, read the return thereof, being in Latin, the common and ordinary return of an *Habeas Corpus*.

Then Serjeant *Snagg* for the Queen, being one of her majesty's learned Counsel, moved the lords to this effect, That whereas sir John Perrot was before that time indicted of Treason and arraigned, pleaded not Guilty, and put himself on the country, who found him guilty of High Treason, therefore he prayed, on her majesty's behalf, that Judgment might be given accordingly.

Then *Sands*, Clerk of the Crown, spake unto sir John, saying, Thou hast been heretofore indicted of High Treason by the name of John Perrot late of London, knight, and being thereupon arraigned thereunto didst plead not Guilty; and didst put thyself upon the country, who found thee guilty of High Treason: what hast thou now to say for thyself, why thou shouldst not have Judgment to die?

Sir John making low obeisance, answered; first, whether he might be permitted to take any Exception against the Indictment, and if he might, then he requested he might be thereunto permitted.

To this the L. C. J. Anderson answered, he might not be permitted.

Then sir John made a Protestation of a quarter of an hour long, wherein he included the mercy of her majesty toward him, extolling her to be the only Mirror of Mercy of all the princes in the world; and said, God forbid that ever his heart should imagine Treason, or utter such unreverend speeches of her sacred majesty, who had exalted him so highly from the estate of a gentleman, and of whose bounty and gracious favour he had so liberally tasted; but complained of the hard and false dealings of the witnesses towards him in these causes, who, he said, falsely, maliciously, and perjuriously accused him; but said he found no fault in the proceedings of the law, but that he had good and orderly proceedings therein: and then again extolling her majesty's great mercy and favour towards him, protested his innocency in the cause to be such, that he forsook God's mercy and his Saviour's merits, if ever he meant any treason or treachery towards that gracious

queen Elizabeth; and said, that he knew her majesty's great clemency and mercy towards him proceeded from her majesty's own heart, by the mere providence of God, who knew his innocence in this cause, in staying him so long from judgment, which he affirmed to be now six times; especially after such heinous matters being proved against him, but, as he said, most falsely and untrue.

Whereupon my Lord Chamberlain conceiving these words to tend, that her majesty had so long deferred Judgment, being persuaded thereunto of his innocency in the fact, and that her majesty was persuaded that he had been hardly dealt withal, and unworthily condemned: wherefore my Lord Chamberlain said, he was much to blame to use any such speeches to that end or purpose; and said, That the conceit of his innocency was not the cause her majesty deferred his Judgment so long; and used very vehement Speeches against the said sir John Perrot in that point, saying his Treasons were most manifest and apparent, and for his Trial he received more favour than any other Traitor that ever he saw, and there were more Witnesses of his own men and others than ever he saw against any other Traitor.

Whereupon sir John said, I pray your lordship interrupt me not: for the Lord Chamberlain began these Speeches in the midst of sir John's matter.

Then said my Lord Chamberlain, You must be interrupted in this point; and proceeded more vehement and earnest against him than before.

Sir John Perrot prayed his lordship not to misconstrue his meaning, and said he meant no such matter touching her majesty's conceit of his hard usage, as his lordship took his words to be: for, said he, I can recite my words again, which in effect were, that her majesty being the only prince of mercy, had dealt with him most graciously, in forbearing thus long with him for his Judgment.

Mr. Egerton, now Attorney, then stood up, and directing his Speeches to my Lord Chamberlain and the rest of the bench, said, he had thought to have moved their lordships touching sir John Perrot's Speeches in that point, which, as he said, were by protesting his innocency to seduce and deceive the audience to think him innocent, and not guilty of Treason, and that he had been injuriously condemned; whereas it was most manifest that he was most justly condemned of most heinous Treasons; and that in his Trial he received most favourable hearing.

Whereunto sir John Perrot replied and said, Mr. Attorney, You did me wrong now, as you did me before. I never did you wrong, said Mr. Attorney. You did me wrong, said sir John. Instance wherein I did you wrong, said Mr. Attorney. You did me wrong, said sir John. I never did you wrong, said Mr. Attorney. All these Speeches were spoken with great vehemency each to the other.

My Lord Buckhurst directed his Speeches towards sir John to the like effect, touching his Guiltiness and Trial, as my Lord Chamberlain had said before; adding further, That whereas he went about to persuade the audience, that the cause which moved her majesty to defer his Judgment, was her conceit of some hard proceeding against him at his Arraignment, which was not the cause indeed, that therein he did injury to the Judge, Jury and Witnesses; and said it was very evilly done of him, to utter any Speeches to any such end: saying further, that my lord himself had been at and upon the Trial of divers Traitors before that time, far sir John's betters, and said he had seen divers Traitors condemned of Treason upon a tenth part of the evidence that was against him, and yet justly condemned of Treason; and you, sir John, are condemned justly of a mass of Treasons; and the said lord said, in his conscience he thought him guilty of most heinous Treasons, and that he was worthily condemned: and he said also, that divers and sundry witnesses very sufficient had proved Treason against him most manifest; and said withal, sir John, would you have all these, being so many in number, as testified against you, to be all perjured, and you only believed? No, no, it is not possible to be true, neither will any man believe it, Sir John.

My Lord Chamberlain spake again and said, There had been thirty Witnesses produced against him at his Arraignment, who proved Treason against him; and that he was a Traitor worthily condemned of Treason; and said he never saw any Traitor have such indifferent Trial, and such sufficient proofs produced against him: adding further, that he might speak his will, but no man would believe him; and that he had spoken much already, but not a true word of all he spake.

Then sir John alledged that the matter was set forward and followed by his enemies in Ireland, and that he was condemned by Irish Witnesses all, and that no one English Witness had proved Treason against him. My Lord Buckhurst said, He had both Irish and English Witnesses, and those his own men. Sir John said, It was more than he knew. Sands said, Philip Williams was an Englishman. Sir John Perrot said, He proved no Treason: and further he said, That the Irish Witnesses had no respect of an oath; and that for a small value, a man might procure a number to swear any thing. And for proof thereof, he appealed to some of the bench that had been in Ireland, and threw his hand towards Mr. Rookesby, that they knew the same to be true; he also said, that God would plague the prosecutors of this cause against him for their corrupt dealing therein.

He also, with great protestation in the midst of his Speeches, utterly denied that ever he intended or meant to murder any man, as he was falsely accused; and said, that now lately he had found among his Writings a Letter of that wicked fellow's that accused him thereof, Stephen Seager, and he said that he had that

Letter about him to prove his Testimony false; and said that that matter grieved him more than any other matter. He also with great protestation denied that he was ever a Papist in heart or soul, or ever favoured any of them, but was of a sound Religion these 45 years, ever since the 2nd year of king Edward: and for trial thereof, he referred himself to divers there present, that were old Parliament-men, of his Speeches touching Religion in divers Parliaments.

My Lord Chamberlain answered him, That he was not charged for murdering or intending to murder any person, although the same was proved to his face by his own man. Sir John said, Although the same was not objected to his Charge, it was laid open against him to make him infamous to the world, which grieved him most of all; and said, that Seager in the end denied it again. My Lord Chamberlain said, he denied it not, but justified it to his face.

Sir John said, that Seager said sir John told him that he did it but to prove him what he would do.

Then Anderson, L. C. J. of the C. Pleas, asked him whether he had any thing to say in arrest of Judgment? Sir John answered, Seeing it pleased God and the queen he should come to that pass, he had nothing to say, but humbly submitted himself to the law and their lordships. My lord Anderson then asked if he had the queen's Pardon? Then he said, he had no Pardon.

Then my lord Anderson proceeding to pronounce Judgment, began with a long discourse, reciting divers good blessings of God upon this realm, namely, the establishing of true Religion, and to be governed with so gracious a prince, and many other good blessings of God bestowed upon us; yet notwithstanding, divers wicked and traitorous persons, discontented with the state, had practised divers and sundry treasons, which by the great and mighty Providence of God, had been from time to time revealed. And omitting divers foreign Treasons, many treasons had been practised here at home; and said, That he himself had been at the arraignment of divers, as namely of Babington, Abington, with others; adding, that the Treasons of sir John Perrot far surpassed them all, most wickedly conspiring her majesty's death and deprivation, and invasion of this realm by foreign enemies, and taking in the Spaniards, to the destruction of so many thousands of good and natural subjects. Lord Anderson consented with the two other lords, that he was worthily and justly condemned of Treason, of good and sufficient proof; and said, that at his Arraignment he had indifferency with favour, and commended the goodness and substantialness of the Jury that tried him at his Arraignment. And then he proceeded to Judgment, which was by him pronounced to this effect: 'That he should be carried by the Lieutenant of the Tower, to the Tower, which was the place from whence he came, and from thence to be drawn upon a hurdle through the city of London to the place of execution, and there to be hanged, and to be cut down alive, and his bowels and privy-members to be cut off, and cast in the fire in his sight, his head to be cut off, and his body to be cut in four quarters, to be disposed at the Queen's pleasure, and God have mercy upon thee.'

Then said sir John, Seeing it pleased God and the Queen that he should be thus judged, his life stood in her majesty's merciful hands, whose life he wished, and prayed God that it might be three times, yea five times as long as she hath lived already; with divers other good and godly wishes to her majesty: and he prayed God that among her subjects the innocent lambs might be known from the scabbed goats; and if the living God who knew his innocency would put it into her princely heart to be merciful unto him for his life, that he would, as always heretofore he did, serve her majesty most faithfully against her malicious enemies; yea and to stop the mouth of a cannon, and fight against the dogs the Spaniards; and said he knew her majesty to be the Fountain of Mercy, and wished that utter destruction might ensue to him and his progeny, if ever he meant Treason against queen Elizabeth: which very words he uttered and wished divers times before and after; and said, that shortly God doubtless would make manifest his innocency, and that to her majesty and the world.—He also said, that he wished not now to live, by reason of his infamy in his country, and that his name and blood was corrupted, which had been of antient continuance, and never before that time spotted: and said, Woe be unto me that am the first of my house and name that ever was attainted or suspected, and shook his hand: and having a carnation in his hand, he said, I care not for death the value of this flower, I fear it not; and wished that he had never offended God more than he had offended the queen's majesty. Which words he pronounced contrary at the first, but presently reformed them.—Then he declared he had certain Petitions, which he humbly desired their lordships to move her majesty in on his behalf. The first Petition was, That it would please her majesty of her abundant mercy to pardon his life, that he might have a better room, for his lodging was a short chamber, only room for his bed and a table, and that he never went out of doors, nor had any air to comfort him.—To this my lord Chamberlain answered, That the room was such as was fit for such a man as he was.—The second Petition was, That he might have a Preacher appointed unto him, and that he might be permitted to receive the Sacrament, which he said he did not since his commitment to the Tower, but said he received the same in my lord Treasurer's house.—To this Petition my Lord Chamberlain answered, That he never heard that he desired or wished any such thing before, which if he had, it might have been granted him. Sir John Perrot said, that he had requested the Lieutenant for the

same twenty times; and said, Here is a man that knoweth the same, meaning and pointing at Mr. Crooke, standing next him on his right hand: which thing Mr. Crooke voluntarily and without asking disavowed; and said he knew no such thing. Then said sir John, Mr. Lieutenant well knoweth it, and will confess the same.—My Lord Chamberlain said, he should have his Petition herein granted: And that they, the Justices and Commissioners, had authority to grant the same without moving her majesty therein.—The third Petition was, That if he should suffer death, that then their lordships would be humble suitors to her majesty, that seeing he was a gentleman born, and that he had been advanced to place and calling by her majesty, and served her majesty in place of honour, he might die a gentleman's death, and be spared from drawing through the streets, and the rest of the Judgment; and said, he was a gentleman of ancient descent, and but a gentleman.—The fourth Petition was, That they would move her majesty to be good and gracious to his son, meaning sir Tho. Perrot, and that they would put her majesty in remembrance of her gracious promise made unto sir Philip Sidney and sir Tho. Perrot, that her majesty would be good to them; especially that her majesty would be good to that virtuous and gracious lady my lady Dorothy: and then said, that he never received any penny of her marriage, nor ever assured her any jointure, for which he was now very sorry; and said, that something moved him so to do, which now grieved him very sore.—He also said, that he had made estates of his lands, a dozen, sixteen, and twenty years past; for that he had children by divers venters, and that he would have his lands to remain in his name, and now he had but one son, the other having died in her majesty's service. He said, Peradventure holes may be now found in the same; therefore he again requested that their lordships would move her majesty to be good to his son and his wife, and as he heard to a little son which they had, and which hereafter may do her majesty service.

He also oftentimes protested with great protestation that he never meant evil, and wished confusion to him and his posterity if he were guilty of Treason. And if he were, he utterly renounced the merits and mercy of his Saviour Jesus Christ. And then speaking to my Lord Chamberlain, said, he excepted his lordship, for that he sat Commissioner for her majesty, otherwise he was as true a subject as any in England whosoever; and herewith clapped his hand upon the bar mightily. And as he was departing from the bar, he returned again towards the lords, and said, he could not dispend 1,200*l.* a year, although it was bruited he could dispend many thousands. He also made mention he was in debt.

Then was he conveyed away from the bar in the same manner he was brought thither, and brought by water to the Old Swan, for that he could not shoot the bridge, and all the guard and others attending him in wherries; and from the Old Swan he was conveyed in a coach into the Tower, as he was brought from the Tower to Westminster that morning. He also seemed in his speeches to refer all things to God, who, as he said, best knew the secret of this cause. Again and very zealously he wished and hoped that all things should be by him made manifest; and in all his protestations and speeches referred him and his to God alone.

Then the Lords and Commissioners sitting a little space after sir John's departure, and until he took barge, an O-Yes was made, and the Commission of Oyer and Terminer was determined by Proclamation made in these words following: All manner of persons of England and Ireland, that had any thing to do before my Lords the queen's majesty's Justices of Oyer and Terminer in this present cause, may depart hence in God's peace, and the queen's majesty's, and keep their day again upon a new summons, for my lords the queen's justices do determine their commission; and then they all cried, God save the queen! Amen. Then my lords arose, and it was at the stroke of ten of the clock at night.

Afterwards the queen began to be appeased towards him, and was often heard to applaud that Rescript of Theodosius, Honorius, and Arcadius: 'If any person speak ill of the emperor through a foolish rashness and inadvertency, it is to be despised; if out of madness, it deserves pity; if from malice and aversion, it calls for mercy.' But while he thus had hopes of his life, he fell sick, and died in the Tower in September following; but the queen granted his desire, in suffering his estate to go to his son, who had married the earl of Essex's sister.

70. The Trial of Robert Earl of Essex, and Henry Earl of Southampton, before the Lords, at Westminster, for High Treason: 43 Eliz. Feb. 19, A.D. 1600.

A SPACIOUS Court was made in Westminster-hall, where the Lord Treasurer Buckhurst sat as High Steward of England, under a canopy of state; where sat also about the table, the earls, barons, and judges of the land, according to their degrees. The Judges were these; the L. C. J. Popham, and the L. C. J. Anderson. The L. C. B. sir Wm. Periam. Justices Gawdie, Fenner, Walmesley, Warburton, Kingsmill, and Mr. Baron Clarke.

These sat all in the Court next the bar, before the High Steward, seven Serjeants at Arms came in with maces before the High Steward, and laid them down before him in the Court.

The king at Arms stood on the one side of the High Steward by his chair of estate, and one of her majesty's gentlemen ushers with his white rod in his hand on the other side. The Clerk of the Crown and his assistant sat before him, to read the common Indictments and Examinations. The Captain of the Guard (sir Walter Raleigh) and forty of the queen's Guard were there to attend the service. Then the Serjeant at Arms made three O-yes! and Proclamation, That the Lord High Steward of England commanded silence, and to hear the Commission read, upon pain of imprisonment. Then the Clerk of the Crown read the Commission, whereunto the earl of Essex was very attentive. Another Proclamation was made, That the Lord High Steward of England commanded all Justices to whom any writs had been directed for this service, to bring them in, and certify the same. Another Proclamation was made by a Serjeant at Arms, That the Lieutenant of the Tower of London should return his Precept, and bring forth his prisoners, Robert earl of Essex, and Henry earl of Southampton.

Then the Lord High Constable of the Tower, the Lieutenant of the Tower, and the gentleman porter, who carried the ax before the prisoners, came first in, and the prisoners followed and made their appearance at the bar, the gentleman porter with the ax standing before them, with the ax's edge from them; and so the Lieutenant delivered his Precept into the Court. The two earls (which were prisoners) kissed one another's hands, and embraced each other. Another Proclamation was made, That the Serjeant at Arms to the queen's majesty do return his Precept of the Names of all the peers of Robert earl of Essex, and Henry earl of Southampton, the which he delivered into the Court accordingly. Another Proclamation was made, That all earls, viscounts, and barons, of the realm of England, which were peers of Robert earl of Essex, and Henry earl of Southampton, and summoned to appear this day, do make answer to their names, upon pain and peril that will fall thereon.

Then the Lords were called, and answered and appeared as followeth: Edward earl of Oxford, Gilbert earl of Shrewsbury, Wm. earl of Derby, Edw. earl of Worcester, George earl of Cumberland, Robert earl of Sussex, Edw. earl of Hertford, Henry earl of Lincoln, Charles earl of Nottingham, Tho. viscount Bindon, Tho. lord De la Ware, Edward lord Morley, Henry lord Cobham, Henry lord Stafford, Tho. lord Grey, Tho. lord Lumley, Henry lord Windsor, Wm. lord Chandois, Robert lord Rich, Tho. lord Darcy, George lord Hunsdon, Oliver lord St. John of Bletso, Tho. lord Burleigh, Wm. lord Compton, Tho. lord Howard, baron of Walden.

Then the earl of Essex desired to know of my lord chief justice, whether he might challenge any of the Peers or no; whereunto the lord chief justice answered, No: and Mr. Attorney General alledged a Case in Henry 8's time, of my lord Darcy. Whereupon the earl had them go on. When the lord Grey was called, the earl of Essex laughed upon the earl of Southampton, and jogged him by his sleeve.

Then they were called to hold up their hands at the bar, which they did. And then the Clerk of the Crown read the Indictments. That being done, they were bid to hold up their hands again, which they did, and another Indictment was read, whereunto the earl of Essex was attentive. After which, the Clerk of the Crown asked them, whether they were Guilty, or not Guilty: they pleaded not Guilty: and for their Trials they put themselves upon God and their peers. They spake this severally. Then my Lord High Steward in a few words gave the peers a Charge, requiring them to have a due regard of their consciences.

Then Serjeant Yelverton opened the Evidence, shewed the effect of the Indictment, held it in his hand, and said as followeth:

"May it please your grace (speaking to the High Steward), about the 8th of Feb. last, my lord of Essex (there Prisoner at the bar) went about with armed men very rebelliously to disinherit the queen of her crown and dignity; which when it came to her majesty's ear, she of her abounding mercy sent to see if it were possible to stop Rebellion: and who did she send? She sent (my lord) no worse persons than my Lord Keeper, my L. C. Justice of England, the earl of Worcester, and sir Wm. Knowles; all which went in her majesty's name, and commanded the earls and their adherents very strictly to dissolve their Assemblies, and to lay down their Arms. But he knowing it, very treacherously imprisoned the said Lords and Counsellors by her majesty so sent, and altogether refused her majesty's authority: and divers of their Confederates cryed out, Kill them, kill them! thereby putting her majesty's council in fear of their lives; and withal, left them with sir Jo. Davis to keep safe, lest they themselves should miscarry in the city. But, my lord, I must tell you this by the way, that my lord of Essex can no way excuse nor shadow this his rebellious purpose, nor turn his actions to any other intent: for the sending of Temple his Secretary into London the night before, manifesteth his determination, without scruple or question; for by that means he was in hopes to have had the help of the citizens, her majesty's most loyal and loving subjects! and he used not only his best endeavours to strengthen himself abroad, but also fortified his house at home with strong defence and ammunition; all which were tokens of his inclinations to a sudden and unexpected Rebellion, and were confirmed in the opinion of all the world, when he withstood divers of her majesty's subjects standing in her highness's right, and defence of her peace, against him and his confederates. Good my lord, I beseech your grace, and you my lords that are the peers, to understand, That if any man do but intend the Death of the king, it is death by the law: for he is the head of the Commonwealth, and all his subjects as members ought to obey and stand with him. But

as for this Rebellion, being duly considered, it contains in it many branches of Treason, which are and will be directly proved: which being found to be so, my lords, who are their peers, are to find them Guilty. Hereof need to be made no doubt, for it is more manifest than the sedition of Catiline to the city of Rome, and consequently England is in no less danger; for as Catiline entertained the most seditious persons about all Rome to join with him in his Conspiracy, so the earl of Essex had none but Papists, Recusants, and Atheists for his adjutors and abettors in their capital Rebellion against the whole estate of England. My lord, I much wonder that his heart could forget all the princely advancements given him by her majesty, and be so suddenly beflinted, as to turn them all to rebellious ends; but it seems this overweighing a man's own conceit, and an aspiring mind to wished honour, is like the crocodile, which is ever growing as long as he liveth. Your lordships know in what sort they went into the City, with armour and weapons, and how they returned to Essex-House again, as you my Lord Admiral, and my lord of Cumberland, with others of their honourable peers do know; which makes me wonder they do not blush to be so forward to stand upon their Trials without Confession, when their intended Treasons are in all men's judgments palpable. For my part, my lord, I can conjecture nothing hereby; and it will not easily out of my own conceit, but that there is some further matter in it than as to you appears; but my hope is, that God of his mercy, that hath revealed their treasons, will not suffer the rest of his or any others to the hurt of the state, or prejudice to her majesty's most royal person, whom I pray God long to preserve from the hands of her enemies. Amen, cryed the earl of Essex and the earl of Southampton, and God confound their souls that ever wished otherwise to her sacred person.

Attorney General, (sir Ed. Coke.) May it please your grace, the Lords Chief Judges, which are the fathers of the law, do know that the thought of Treason to the prince, by the law is death; and he that is guilty of Rebellion, is guilty of an intent (by the laws of the land) to seek the destruction of the prince, and so adjudged Treason: and I will prove this unto your lordships by two several Cases. First, he that raiseth power and strength in a settled government, the law will not suffer it, but it is construed as in cases of High Treason; he that doth usurp upon it, the law doth intend that he hath purposed the destruction of the prince; he that doth assemble power, if the king doth command him upon his allegiance to dissolve his company, and he continue it, without any question it is High Treason: he that doth levy forces to take any town in the prince's dominions, it is so likewise. But my lord of Essex hath levied power to take the Tower of London, and to surprize the queen's own Court; then this must needs be higher than the highest; and he that doth fortify himself against the prince's power, must needs be within the compass of Treason. And by your favour, my lord of Essex, I will now speak a word unto you, for I know you can speak as well as any man; that whereas you say the law of nature compelled you to do this, which in judgment you have, though most treacherously attempted, I will in a word disprove your own judgment, admitting you must make that freely your argument. 1st, I will open the Quality of your Rebellion; 2dly, the Manner of it; 3dly, I will touch the circumstances; and, lastly, I will observe the Person. The Quality hath High Treason; for which I think I shall not need to say any more. For the Manner of it, I hold it an unnatural act for a natural subject to commit Treason against his natural sovereign; and methinks it cannot be by any probability denied, but that this High Treason is, and must be, both against the law of God, nature, and reason. And under your grace's favour, my lord, the manner of it being of so high a nature as it is, must needs be High Treason, which was not only carried in their hearts, but, for a continual remembrance, kept in a black purse, which my lord of Essex wore on his breast next to his skin. Let me note unto you, my good lord, that they being both born under the government of this princess, and so highly advanced by her majesty's favour, should have trembled once to think of such a Rebellion as they have enterprized. Doth not my lord of Essex now enjoy his Earldom of Essex by the gift of Henry 8th to his father? Was not he made Master of her majesty's Horse at 22 years of age? one of her majesty's Council? to be earl marshal of England? general of her majesty's forces in Ireland? And lastly, hath he not received divers gifts and sums of money, to his own use, of her majesty's gracious and princely bounty, to the value of 30,000*l.*? Yet all these were as cleverly forgotten, as if they had never been.—Now shall I shew you the Person whom this concerns, even her majesty's sacred person, against whom their attempts have been, only for the undertaking of God's Cause, and exercising of Justice with admirable mercy; and though I cannot speak without reverent commendations of her majesty's most honourable justice, yet I think her overmuch clemency to some, turneth to over-much cruelty for herself: for though the rebellious attempts were so exceedingly heinous, yet out of her princely Mercy, no man was racked, tortured, or pressed to speak any thing farther, than of their own accord, and willing minds, for discharge of their consciences they uttered; and then, to see the mercy of God that will have the truth known, it is admirable beyond the conceit of man's capacity: for they being severally examined, notwithstanding, all agree directly, without varying. But when her majesty sent a counsellor of state to have the earl come before her, when she heard of his Rebellion, for no other end or purpose but for his admonishment, he refused to come; and having a guilty conscience, and

suspecting his Treasons were laid open, took consultation to surprize the Court and the Tower of London, all at one instant: and for this purpose, had appointed Blunt the custody of the gates, sir Jo. Davis of the Hall, sir Charles Davers of the Presence, and himself of her majesty's person. Whereupon Blunt said, Ah! what humour shall we find them in at the Court? This was not all; for the earl he must call a Parliament, and he would decide matters, not making for his purpose: but now in God's most just judgment, he of his earldom shall be Robert the last, that of the kingdom thought to be Robert the first. And my lord did not any whit amuse himself to give order, that if he and his Complices should miscarry in London, then the Counsellors which he caused to be imprisoned in his house, should be slain. It was plain Treason in him to stand out, being by them charged to dissolve his company upon his allegiance. What shall I need to stand upon further Proofs? It is so evident, and my lord himself will not deny, but that he had a Schedule, containing in it divers of his friends Names; which, as I conjecture, must needs contain some other matter, for he durst not let it come to light, but burnt it: and as for Owen, Salisbury, Davis and Tresham, they must have the guard of the Lords of the Council, to use them at their pleasure."

Essex. Will your lordships give us our turns to speak, for he playeth the Orator, and abuseth your lordships ears and us with slanders; but they are but fashions of orators in corrupt states. Considering some privileges which we might challenge, equal Answers and equal hearing were indifferent; for unless it will please your lordships that we might answer to every particular, we shall soon confound our own memories, and give liberty and advantage to our enemies whereupon to lay hold, for lack of precise answer to each particular objection. And seeing now, my lord, you have undertaken the place of a Judge, I beseech you, as you prove against us, we for ourselves may answer what may fall out to be fit.

Here the lord of Essex was interrupted, and not allowed to speak, until Henry Witherington's Examination was read, which imported thus much:

Witherington's Examination.

That upon the Sunday morning he was sent for to Essex-House, where he found the place guarded with many gentlemen in arms, who told his uncle that came in his company, that he feared they were come into an ill action; my lord of Essex bad them very welcome, and intreated him to go with him, for he feared hurt of some private enemies. And when Mr. Witherington perceived the council were stayed, he feared danger to them; for he heard some bid, Stab them; and others, Let us make an end of them, we shall have the fewer to deal withal. And he proves further, that order was left, That if the earl should miscarry in London, then the Lord Keeper and the L. C. Justice should be killed, and also when the Council had commanded him, upon his allegiance, to dissolve his forces, he answered nothing: he likewise saw my lord of Bedford brought in that morning; and Mr. Witherington, fearing he might be drawn on to his destruction, prayed him only to follow him, for when opportunity served in London, they would leave the troop; and that they followed the earl into London, and on a sudden lost him.

Essex. I will not, I protest to God, speak to save my life; for those that prosecute it against me, shall do me a good turn to rid me of my misery, and themselves out of fear. As for Mr. Witherington, he does much disparage himself if he saith so, for I protest to God upon my salvation, I never heard such words as 'Kill him, kill him:' and Mr. Witherington came voluntarily to my house, unsent for, and in the forenoon did come into our company, and took to heart as much as we did whatever we went about: and these are but reports, for he that is the Witness is now sent into the country about some employments. But if it had been a secret, Mr. Witherington being privy thereto, might have been a good witness: but being so openly spoken, (as you say) a hundred more might have testified it, yet none spake it besides. And as for locking up the council, I protest to God it was done in charity, and without disloyalty, but intending only to save them, lest they should take hurt; considering the people abroad in the streets, with a great and sudden outcry, said, 'We shall be slain.' At which time we thought our enemies had been come to beset the house, for my intent was no otherwise than loyal to her majesty and them.

The Lord Keeper, the earl of Worcester and the L. C. Justice Popham, proved in court upon their honours, that they heard the words 'Kill them, kill them;' but they would not charge my lord of Essex that they were spoken either by his privity or command.

The Declaration *of the Lord Keeper, the Earl of Worcester, and the Lord Chief Justice of England.*

"Upon Sunday, being the 8th of Feb. last past, about ten of the clock in the forenoon, the Lord Keeper of the Great Seal, the earl of Worcester, sir Wm. Knollis Comptroller of her majesty's Houshold, and the L. C. Justice of England, being commanded by direction from the queen's majesty, did repair to the late earl of Essex's house: and finding the gate shut against them, after a little stay they were let in at the wicket. And as soon as they were within the gate, the wicket was shut upon them, and all their servants kept out.—At their coming thither, they found the court full of men assembled together in a very tumultuous sort: the earls of Essex, Rutland and Southampton, and the lord Sandys; master Parker, commonly called lord Mounteagle, sir Christ. Blunt, sir Charles Davers, and many other knights and gentlemen, and other persons unknown, which flocked together about the Lord Keeper,

&c. And thereupon the Lord Keeper told the earl of Essex, that they were sent from her majesty, to understand the cause of this their assembly, and to let them know, that if they had any particular cause of grief against any persons whatsoever, it should be heard, and they should have justice.—Hereupon the earl of Essex with a very loud voice declared, That his life was sought, and that he should have been murdered in his bed; that he had been perfidiously dealt with; that his hand had been counterfeited, and letters written in his name; and that therefore they were assembled there together to defend their lives: with much other speech to like effect. Hereupon the L. C. Justice said unto the earl, That if they had any such matter of grief, or if any such matter were attempted or purposed against him, he willed the earl to declare it; assuring him that it should be truly related to her majesty, and that it should be indifferently heard, and justice should be done, whomsoever it concerned.—To this the earl of Southampton objected the assault made upon him by the lord Gray. Whereunto the L. C. Justice said, that in his case, justice had been done, and the party imprisoned for it. And hereupon the Lord Keeper did eftsoons will the earl of Essex, that whatsoever private matter or offence he had against any person whatsoever, if he would deliver it unto them, they would faithfully and honestly deliver it to the queen's majesty, and doubted not to procure him honourable and equal justice, whomsoever it concerned: requiring him, that if he would not declare it openly, that he would impart it unto them privately, and doubted not but they would satisfy him in it.—Upon this there was a great clamour raised among the multitude, crying, 'Away, my Lord, they abuse you, they betray you, they undo you, you lose time.' Whereupon the Lord Keeper put on his hat, and said with a loud voice, My lord, let us speak with you privately, and understand your griefs: and I command you all upon your allegiance, to lay down your weapons, and to depart, which you ought all to do, being thus commanded, if you be good subjects and owe that duty to the queen's majesty which you profess. Whereupon they all brake out into an exceeding loud shout and cry, crying, 'All, all, all.'—And whilst the Lord Keeper was speaking, and commanding them upon their allegiance, as is before declared, the earl of Essex and the most part of that company did put on their hats; and so the earl of Essex went into the house, and the Lord Keeper, &c. followed him, thinking that his purpose had been to speak with them privately, as they had required. And as they were going, some of that disordered company cried, 'Kill them.' And as they were going into the great chamber, some cried, 'Cast the Great Seal out of the window.' Some other cried there, 'Kill them;' and some other said, 'Nay, let us shop them up.'—The Lord Keeper did often call on the earl of Essex to speak with them privately, thinking still that his meaning had been so, until the earl brought them into his back chamber, and there gave order to have the farther door of that chamber shut fast. And at his going forth out of that chamber, the Lord Keeper pressing again to have spoken with the Earl of Essex, the earl said, 'My lords, be patient a while, and stay here, and I will go into London, and take order with the mayor and sheriffs for the city, and will be here again within this half hour.' And so departed from the Lord Keeper, &c. leaving the Lord Keeper, &c. and divers of the gentlemen Pensioners in that chamber, guarded by sir John Davis, Francis, Tresham, and Owen Salisbury, with musket-shot, where they continued until sir Ferdinando Gorges came and delivered them, about four of the clock in the afternoon.—In the mean time we did often require sir John Davis and Francis Tresham, to suffer us to depart, or at the least, to suffer some one of us to go to the queen's majesty to inform her where and in what sort, we were kept. But they answered, 'That my lord (meaning the earl of Essex) had commanded that we should not depart before his return, which (they said) would be very shortly. Thomas Egerton. C. S. Edward Worcester. John Popham.'

All which the Lord Chief Justice Popham attested, *vivâ voce.*

Att. Gen. Yea, my lord, you had 300 men in arms in your house; why did you not dissolve them, being commanded upon your allegiance from the queen to do it?

Essex. They hearing rumours of men about my house against them put them into such a fear and extasy, that it was not in my power suddenly to dissolve them, or to quench their passions: and the rather for that sir Walter Raleigh desired sir Ferdinando Gorges to leave their company, or else they would be all lost: so that they stood amazed, and knew not what to do.

Southampton. Mr. Attorney, you speak all this as if it were as true as the Gospel.

Essex. Good my lord, let me intreat you to mark the circumstances: word was brought that men were sent for into the country to take us in our own houses; then we conceiving the thirsty appetite of our private enemies, took ourselves to our arms, and were glad to stand upon our guard for our own defence. But as for the Lords of the council that came to my house, we being before advertised that we should be beset, thought it the securest way for those of the council to keep them there, not knowing what mischief would ensue.

Att. Gen. My lord, your grace sees that this is without colour or question: for my L. C. Justice had proved it plain, that they would not dissolve their company that was up in arms, being charged upon their allegiance so to do.

Essex. Good my lord, know whether it were in my lord of Southampton's power or in mine to withhold their purposes so suddenly: For, not long before sir Walter Raleigh had

sent to my house to have sir F. Gorges to come to him to Durham-house; and we fearing him to be a private enemy, would not suffer sir F. to go thither but returned answer, that he would meet him on the water upon equal terms: where sir W. Raleigh used the former speeches to sir F. Gorges, wishing him to leave our company, or else he would be undone. And whereas we are charged to have dealt with papists, I assure your lordship, and it is most true, that papists have been hired and suborned to witness against me; as by the means of one Sudall, who was a seminary priest, and sent into Ireland to deal with sir Christ. Blunt, whom he thought to be inward with me, to touch my honour and reputation. Then Bales, the Scrivener in the Old Bailey, hath confessed under his hand to forge and counterfeit my hand in at least two letters: and these two honest gentlemen can witness it.

Att. Gen. Ay, by my troth, this is true, but it was by the procurement of one of your own men.

Essex. Thou swearest it, but it is not on a book; that man thou sayest I procured to do it, his name is John Daniel, an errant thief, one that broke a standard of mine, and stole a casket of my wife's, and many other things. It is very probable that I should trust him so far, that had before betrayed me, is it not? But it is well known who set him at work to attempt against me so much as he hath done, to procure my hand to be counterfeited; and yet this man, by your judgment, must be a practiser in such matters by my own consent.* Well, Mr. Attorney, I thank God you are not my judge this day, you are so uncharitable.

Att. Gen. Well, my lord, we shall prove you anon what you are, which your pride of heart, and aspiring mind, hath brought you unto.

Essex. Ah! Mr. Attorney, lay your hand upon your heart, and pray to God to forgive us both.

Raleigh. That sir F. Gorges told me upon the water, that my lord of Essex had put himself into a strong guard at Essex-house, and this is like to be the bloodiest day's work that ever was, wishing him to go to court with speed for prevention thereof: then sir Walter wished sir F. Gorges to refuse their company, else he would be undone. To this sir Walter was sworn.

Essex. Whatsoever sir Walter hath said, differeth altogether from that which sir Ferdinando told us at Essex-house, upon his return from the water.

Att. Gen. Well, my lord, what can you devise to say for sir John Davis, another of your adherents, that Papist? for he hath confessed that he is a Papist and a Catholic, and drawn in by sir Christ. Blunt, one of your chiefest counsel, and that he called for a Seminary priest upon his convertment to absolve him.

Essex. If sir John Davis were such a man, it cannot be but strange to me to hear it; although I cannot search into the secrets of his heart to accuse him inwardly, yet I have seen him dutifully come to prayers, and to the service of God in my own house with me, and behaved himself very godlily: and of this I can be witness. And as for Blunt (God is my witness) I have been so far from Popery, as I have so earnestly dealt with him to reform himself, insomuch that he hath told me, I have been very passionate. But whereas you say, we have committed Treason, first prove that true.

Serj. *Yelvert.* Why, my lord, if you deny the raising the power, why should so many men come to your house that day?

Southampt. By your favour, Mr. Serj. Yelverton, a word, I hope; for my coming thither, it was not strange news; and when I came that same morning to Essex-house, I protest I had not above 10 or 12 men attending me, which was but my usual company, therefore far from purposing to raise a tumult.

Att. Gen. Why, the reason of that was, for that you thought all London would have risen with you; but, good my lord, I beseech your grace to hear the Oath of sir F. Gorges: whose Evidence was read, and himself there in person did justify the same.

Sir Ferdinando Gorges his Confession.

He deposeth, That in Jan. last the earl of Essex wrote to him a Letter, wherein he complained grievously of his misfortunes, and the miserable estate he stood in, whereof he purposed shortly to free himself, and therefore prayed sir F. Gorges to come up to London to him: who coming accordingly, the earl told him how mightily he was crossed and discredited by his private enemies, which he could not endure; for, saith he, I have 120 earls, ba-

* The matter here referred to, as it came out upon a strict enquiry, was thus: The countess of Essex being apprehensive, that in those troublesome times some mischiefs might befal her husband and herself, put some Letters which she had received from him into a cabinet, and intrusted it into the hands of a Dutch woman called Rihove, who hiding them in her house, they were accidentally discovered by her husband John Daniel; who reading them over, and observing some passages in them, which might incense the queen and endanger the earl, caused them to be transcribed by a person expert at counterfeiting hands; and when the timorous countess was near her time of lying-in, he told her that unless she would give him 3000*l.* he would put them into the hands of her husband's enemies. The good lady, to prevent that threatening danger, immediately gave him 1,170*l.* and still the Impostor only gave her the counterfeit copies, and kept the originals to get another sum for them from the earl's enemies; for which he was sentenced in the Star-Chamber to perpetual imprisonment, fined 3000*l.* two of which were to be paid to the countess, and to stand with his ears nailed to the pillory with this inscription, '*A wicked Forger and Impostor.*'

rons, and gentlemen, that participate in my discontented humour, and will join with me, and I desire your help and counsel therein. One special friend I have in the court, whereby I have intelligence from time to time: and I hold ourselves indifferently affected by the citizens of London, and hope to have a good party in Wales. He confessed also, that they had two several meetings at Drury-house, to consult of these matters; and the projects were, Whether it were better first to surprize the Court, or to take the Tower of London, or to stir in the city. But most agreed, first to surprize the Court. And then and there sir John Davis took pen, ink, and paper, and set down, That some should keep the hall, some the court-gates, some the guard-chamber, and some the presence-chamber; saying, many of the guard had been the earl of Essex's servants, and were preferred to the queen by him, and will be more indifferent to deal with than others; and so my lord shall have a way through his own guards to come to the privy-chamber, and the presence of the queen. And sir Ferd. Gorges said to the earl of Essex, Alas! my lord, what is so small a number of men able to do in so worthy an action? and so dissuaded the earl from surprizing the court, and rather bade him submit himself to the queen's mercy, than proceed any further. And that the earl of Southampton said at Essex-house, Is it not three months since this plot began, and shall we resolve on nothing? Then upon a sudden they all agreed, first to stir in London, where they assured themselves of great favour: and after the counsel was locked up, this Deponent followed the troops into London; and after some advice the earl of Essex sent him back again with a token to deliver to the Lord Chief Justice only, by colour of which token he set at liberty the Lord Keeper and the rest. Lastly, he confirmed, that he told sir Walter Raleigh first, upon the Thames, of my lord of Essex's making his house a guard, and putting his friends into arms, as it is delivered by sir Walter Raleigh.

Sir Charles Davers's Examination.

He confesseth, That before Christmas last the earl of Essex entered into consideration, how he might secure himself to have access to the queen's presence without resistance; and that the resolution was agreeable to certain Articles written with the earl of Essex's own hand, and sent to the earl of Southampton to surprize the court; and that there were divers consultations about it, and the points were these: first, to take the Tower, for it would command London, then to surprize the court; and after, the court being taken and possessed, to have assembled the rest of their friends, and to have presented themselves to the queen: and that being done, and the guards secured, sir Christ. Blunt should keep the outward gates of the court, sir John Davis the hall and water-gate, sir Charles Davers (this Deponent) should keep the presence and guard-chamber, and seize upon the halberts and pensioners battle-axes. The intent was to surprize the captain of the guard at the court, or at his own house, and some others; and then to surprize the Tower of London: and that the earl of Essex resolved (these things being accomplished) immediately to have called a parliament to reform disorders and private grievances. That this deponent utterly disliked of these courses; and after the alarm was given at court, he persuaded the earl rather to flee into Wales, or other parts beyond the seas for his security, and avoiding the imminent danger he was fallen into, than to trust to the city. And lastly, he protested, for his own part, what he had done in the business, was merely for the love he bore to the earl of Southampton, and not for any malice or private discontent otherwise.

Sir John Davis's Examination.

He saith, That the earl's purpose was, to possess himself of the court, and to take the Tower of London; and that they had several meetings of consultation, together with the earl of Southampton, sir Ferd. Gorges, Jo. Littleton, sir Christ. Blunt, sir Cha. Davers, and this Deponent. And these matters (he confesseth) the earl of Essex set down all with his own hand, viz. sir Christ. Blunt to keep the outward gate of the court himself, this Deponent the hall and water-gate, and sir Cha. Davers the presence and guard-chamber; then my lord of Essex and his forces would have come by land, and so have possessed the presence of the queen. The question was asked the earl of Essex (as this Deponent saith), How he would deal with offenders, and such as resisted him, after he should be possessed of these things? He resolved them by way of Answer, That he meant to admit them all to an honourable trial.

Sir Christopher Blunt's Examination.

He confesseth that the earl of Essex sent Wiseman, about the 20th of Jan. to visit his wife with letters of compliment, and to require him to come up unto him to London, to settle his estate according as he had written unto him before some few days. Being demanded to what end they went to the city, to join with such strength as they hoped for there; he confesseth, it was to secure the earl of Essex's life, against such forces as should be sent against him. And being asked, What, against the queen's forces? he answered, That must have been judged afterwards.—But being further asked, Whether he did advise to come unto the court over night? he saith, no; for sir Ferd. Gorges did assure, that the alarum was taken of it at the court, and the guards doubled. Being asked, Whether he thought any prince could have endured to have any subject make the city his mediator? or, to gather force to speak for him? he saith, He is not read in stories of former times; but he doth not know, but that in former times sub-

jects have used force for their mediation.—Being asked what should have been done by any of the persons that should have been removed from the queen? He answered, That he never found my lord disposed to shed blood; but that any that should have been found, should have had indifferent trial.—Being asked upon his conscience, Whether the earl of Essex did not give him comfort, that if he came to authority, there should be a toleration for religion? he confesseth, he should have been to blame to have denied it.

Sir Christopher Blunt's second EXAMINATION.

He saith, That four or five days before the Insurrection in London, the earl of Essex set down divers Articles with his own hand, with Petitions to the earl of Southampton, sir Cha. Davers, sir John Davis, sir Ferd. Gorges, Jo. Littleton, and this Deponent; which were to the effect before remembered. And further this Deponent remembereth, That the earl of Essex's purpose was (after these things should be over-passed and settled) to alter the state of government: and further this Deponent confesseth himself to be reconciled to the Pope: and moreover saith, that the earl of Essex said, He looked not that any should be troubled for Religion, and Liberty of Conscience; that he received letters from the earl of Essex the 20th of Jan. to come to London, whereupon he came.

The Earl of Rutland's EXAMINATION.

He saith, That being in London, with the earl of Essex, he heard him cry out in the streets, 'England is bought and sold to the Spaniard:' and confesseth, when they had been possessed of London, their purpose was to have taken the Lord Keeper with them to the Court, with the earl of Essex's company; and that the earl of Southampton and sir John Davis were in special confederacy and trust with the earl of Essex in these causes. Lastly, That the earl of Essex said, he was sure of sheriff Smith: and this Deponent specially noted, the earl of Southampton was very much discontented.

Lord Cromwel's EXAMINATION.

He saith, He never heard of the matter till the same Sunday-morning, when the earl of Essex coming through Fleet-street, where this Deponent lay, and being sent for by a man of my lord's, he came into the street to him; where my lord and divers of his followers took him by the hand, and bade him welcome, praying him to go along with him; and the earl of Essex cried, It is for the good of the queen, and of you all, my masters. First, he went to the mayor's house, and then to sheriff Smith's house; and being in Gracechurch-street, and hearing of the Proclamation, the earl of Essex said, Where is the Sheriff? Let him bring muskets and pistols; for I am credibly informed out of Ireland, that the kingdom of England is sold to the Spaniard. And so upon the Proclamation the Deponent left him and his company.

Lord Sandes's EXAMINATION.

He saith, He was sent for on Sunday morning, the same day, by the earl of Essex; and coming to Essex house, he found then but a few there: but in a short time after, came the earl of Southampton with the rest. This Deponent agreeth in divers other circumstances with former Examinations: he confesseth, he went with the earl into London, and came back with him to Ludgate; and there being repulsed, he heard my lord of Essex cry, Charge, charge! and call for his horse. And he saith, that sheriff Smith was as far in the matter as the best of them.

Mr. Attorney here urged, that there was a combination; and one Pashell affirmed the burning of a black purse by the earl of Essex, which my lord confesseth; but saith, that there was nothing in it, but a key of an iron chest, which he took out, and burnt a paper in the same purse, which did not contain above five or six lines of secret matter: and, for that he would not have so much as their names drawn into question, which were altogether ignorant of these occurrents, did throw the purse and paper into the fire. And also Pashell confesseth further, that when the earl of Essex came out of London to his house, he told them, that he was beloved in the city.

Lord Monteagle's EXAMINATION.

He saith, He had no foreknowledge of these matters; but confesseth, he followed the earl of Essex down Fleet-street, intending to go to the mayor, and so to his house in Seething-lane. And this Deponent being with the earl of Essex in Gracechurch-street, confesseth he did hear the earl (when the lord Burleigh came with the herald at arms) command some of his followers to bid the herald stay, for he would not hear him abuse the queen's name. He saith also, he went back with the earl to Ludgate, and they were repulsed.

Mr. *Attorney.* Now, my lord, I beseech your grace, and you, my lords, that be the peers, let the due consideration of these several Examinations and Depositions enter into your hearts; and do but note, they have all agreed and jumped together in each particular point, notwithstanding they were all severally examined; but I must needs think it the just judgment of God, in his mercy towards our sovereign, to have the truth so marvellously revealed; coming from them of their own accords, without rack or torture to any of them.

Essex. Mr. Attorney, I answer, then, this for that point; The self-same fear, and the self-same examiner, may make these several Examinations agree all in one, were they never so far distant; but, good my lord, let me intreat your lordship to consider who they be that testify this against me: My lord, they are men within the danger of the law, and such as speak with a desire to live; but I think they have much to answer for between God and their souls and me. I see they charge me with the surprising of the Tower; but upon what ground

do they speak? they had only some particular notes of my friends names, but ever very scornfully dashed at me: for when my friends persuaded me to any course, this was my purpose, to have come with eight or nine honourable persons, who had just cause of discontentment (though not equal with mine) unto her majesty, and so by petition, prostrating ourselves at her majesty's feet, to have put ourselves unto her mercy. And the effect of our desires should have been, that she would have been pleased to have severed some from her majesty, who, by reason of their potency with her, abused her majesty's ears with false informations; and they were Cobham, Cecil and Raleigh: for we thought my lord Cobham carried himself in such factious and dangerous courses, as he told her majesty many untruths: which was a principal cause (as I think) of withdrawing her favour from us. And to that intent, to remove such from her highness (I confess) was the only desire we had to present ourselves in all humility before her majesty, but without any purpose of hurt to her highness: for, I protest before God I do carry as reverent and loyal duty to her majesty, as any man in the world. But now, my lord, seeing that I have heard the testimony of sir Ferdinando Gorges, and himself here in court to testify it, I will say no more, but that if it please her majesty to be merciful unto him, I will be glad, and pray for it; yet whatsoever he hath said, let my life and his dealing testify the truth: and, sir Ferdinando, speak nothing to touch thyself, and speak what thou wilt to me; for I see thou desirest to live, yet speak like a man.

Lord Admiral. I desire, for the better satisfaction of myself and fellow peers, that Gorges might unfold openly what other secrets have passed between him and my lord of Essex, touching the State.

Essex. Ah! my Lord Admiral, assure yourself, in faith, no Treason: But yet, I pray thee, good sir Ferdinando, speak openly whatsoever thou dost remember; and with all my heart I desire thee to speak freely.

Gorges. All that I can remember, I have delivered in my Examination; and further, I cannot say.

Essex. Yes, Ferdinando, if ever you knew any other matter, which contained any thought of Treason or disloyalty, speak it; for they are things not to be forgotten.

Southampton. Good sir Ferdinando satisfy the Court what was intended among all our conferences, and talk of our enemies, and discontentments, and consultations, and what was our best course for our defence against them.

Gorges. Some delivered their minds one way, some another; but, by the Oath I have taken, I did never know or hear any thought or purpose of hurt or disloyalty intended to her majesty's person by my lord of Essex.

L. Admiral. I desire to know, for the better satisfaction of my conscience, whether my lord of Essex did at any time deliver out any Articles in writing under his hand, therein laying open the projects of his purpose for surprizing the court and Tower.

Southampton. It was a foolish action, I must needs confess, the going through the town, and that was suddenly passed over: but my lord's purpose to have men planted at the court, was in regard he feared hindrance by private enemies, that would have stopped his passage to the queen; which, I protest, he intended to no other end, but to prostrate himself at her majesty's feet, and submit to her mercy, as ye have formerly heard.

Cobham. My lord of Essex, let me know, I intreat you, why you lay such imputations upon me, as you have delivered.

Essex. My Lord, I have forgiven all the world, and therefore you shall not need to insist upon these circumstances; for I lay not my cause upon aught that shall do your lordship any harm for my sake: for, I protest, my heart bears you no malice, but what I spake was freely, and in God's presence, hoping her majesty would have heard us, and our complaints being but true. And I do further assure your lordship, that I never spake it out of fear of death, or desire of life.

Bacon. My Lord, may it please your grace, whatsoever my lord of Essex hath here denied, in my conceit it seemeth to be small. I speak not to any ordinary Jury, but to prudent, grave and wise peers: and this I must needs say, It is evident that you, my lord of Essex, had planted a pretence in your heart against the government: and now, under colour of excuse, you must lay the cause upon particular enemies. You put me in remembrance of one Pisistratus, that was come into a city, and doting upon the affections of the citizens unto him, he having a purpose to procure the subversion of a kingdom, and wanting aid for the accomplishing his humour, thought it the surest means for the winning of the hearts of the citizens unto him, and so in that hope entered the city, and cut his body over-thwart, to the end they might conjecture he had been in danger: and so by this means held the same conceit as you and your complices did; entering the city of London, persuading yourselves, if they had undertaken your cause, all would have gone well on your side. And now, my lord, all you have said, or can say, in answer to these matters, are but shadows; and therefore, methinks, it were your best course to confess, and not to justify.

Essex. May it please your lordship, I must produce Mr. Bacon for a Witness; for when the course of private persecution was in hand, and most assailed me, then Mr. Bacon was the man that proffered means to the queen, and drew a letter in my name, and his brother sir Nicholas Bacon's name; which letter he purposed to shew the queen, and Gosnal was the man that brought them unto me: wherein I did see Mr. Bacon's hand pleaded as orderly, and appointed them out that were my enemies, as directly as might be. Which Letters I know Mr. Secretary Cecil hath seen, and by him it

will appear what conceit he held of me, and no otherwise than he here coloureth and pleadeth the contrary.

Bacon. My Lord, I spent more hours to make you a good subject, than upon any man in the world besides, but since you have stirred up this point, my lord, I dare warrant you this Letter will not blush: for I did but perform the part of an honest man, and ever laboured to have done you good, if it might have been, and to no other end; for what I intended for your good, was wished from the heart, without touch of any man's honour.

Essex. Well, my Lord, I do here protest before the living God, that an honourable, grave, and wise counsellor hath lamented and grieved at the courses he hath seen taken, and therewith hath wished himself often dead; and this I speak upon credible and honourable information: but I can prove thus much from sir Robert Cecil's own mouth; that he, speaking to one of his fellow-counsellors, should say, That none in the world but the infanta of Spain had right to the crown of England.

Here sir Robert Cecil stepped forth into the court, having kept himself private till then, and humbly desired leave to speak to Essex.

Sir *R. Cecil.* The difference between you and me is great; for I speak in the person of an honest man, and you, my lord, in the person of a Traitor: so well I know, you have wit at will. The pre-eminence hath been yours, but I have innocence, truth of conscience, and honesty, to defend me against the scandal of slanderous tongues, and aspiring hearts; and I protest before God, I have loved your person, and justified your virtues: and I appeal to God and the queen, that I told her majesty, your afflictions would make you a fit servant for her. And had not I seen your ambitious affections inclined to usurpation, I could have gone on my knees to her majesty to have done you good; but you have a sheep's garment in show, and in appearance are humble and religious: but God be thanked, we know you, for indeed your religion appears by Blunt, Davis and Tresham, your chiefest counsellors for the present: and by promising liberty of conscience hereafter. I stand for loyalty, which I never lost; you stand for treachery, wherewith your heart is possessed: and you charge me with high things, wherein I defy you to the uttermost. You, my good lords, counsellors of state, have had many conferences, and I do confess I have said the king of Scots is a competitor, and the king of Spain a competitor, and you I have said are a competitor: you would depose the queen, you would be king of England, and call a parliament. Ah, my lord, were it but your own case, the loss had been the less; but you have drawn a number of noble persons and gentlemen of birth and quality into your net of rebellion, and their bloods will cry vengeance against you. For my part, I vow to God, I wish my soul was in heaven, and my body at rest, so this had never been.

Essex. Ah Mr. Secretary, I thank God for my humbling; that you, in the rust of your bravery, came to make your oration against me here this day.

Cecil. My lord, I humbly thank God that you did not take me for a fit companion for you and your humours; for if you had, you would have drawn me to betray my sovereign, as you have done: but I would have you name the counsellor you speak of; name him, name him, name him if you dare, if you dare, I defy you; name him if you dare.

Essex. Here stands an honourable person (meaning the earl of Southampton) that knows I speak no fables; he heard it as well as I.

Cecil. Then, my lord of Southampton, I adjure you by the duty you owe to God, loyalty and allegiance you owe to your sovereign, by all tokens of true Christianity, and by the ancient friendship and acquaintance once between us, that you name the counsellor.

Southampt. Mr. Secretary, if you will needs have me name the Counsellor, it was Mr. Comptroller.

Whereupon the Secretary falling down upon his knees, said, I thank God for this day; and upon his knee desired the Lord High Steward, that a gentleman of the privy-chamber (or one that might have access to the queen) might go, and humbly intreat her highness to command Mr. Comptroller to come before his grace.

[Hereupon the Lord High Steward calling Mr. Knevet (a gentleman of her majesty's privy-chamber) said unto him, Go, Mr. Knevet, unto her majesty, and let her understand Mr. Secretary's demand.]

Cecil. Mr. Knevet, you shall have free access unto her majesty; tell her, that I vow before the God of Heaven, that if she refuse to send Mr. Comptroller, whereby I may clear myself of these open scandals, I will rather die at her foot, (as her subject and vassal) than live to do her any more service in this honourable degree, wherein her highness employs me. And withal, let me adjure you, Mr. Knevet, that you do not acquaint Mr. Comptroller with the cause why you come for him.

Mr. Knevet went, and not long after returned with Mr. Comptroller, to whom the Lord High Steward repeated the cause why he was sent for, and desired him to satisfy the lords, whether Mr. Secretary did use any such speech in his hearing, or to his knowledge.

Mr. *Comptroller.* I remember that once in Mr. Secretary's company, there was a Book read, that treated of such matters; but I never did hear Mr. Secretary use any such words, or to that effect.

Whereupon Mr. Secretary thanked God, that though the earl stood there as a Traitor, yet he was found an honest man, and a faithful subject: withal saying, I beseech God to forgive you for this open wrong done unto me, as I do openly pronounce I forgive you from the bottom of my heart.

Essex. And I, Mr. Secretary, do clearly and freely forgive you with all my soul; because I mean to die in charity,

Bacon. My lord, you may now perceive that my lord of Essex went about to procure matter, and to give over on the instant.

South. Well, I beseech your lordship, let me satisfy your lordship and the rest thus much, that for my own part, I did never know the laws. Now to shew the causes that made me adventure so far as I did: the first occasion that made me adventure into these courses was the affinity betwixt my lord of Essex and me, I being of his blood, and marrying his kinswoman; so that for his sake I should have hazarded my life: but what I have by my forwardness offended in act, I am altogether ignorant, but in thought I am assured never. And if through my ignorance in the law I have offended, yet I humbly submit myself to her majesty, and from the bottom of my heart do beg her gracious pardon, if it please her: and I hope that neither your lordship nor any of the peers will hold any of the former resolutions spoken of by these orators for any certainty, which depends no otherwise than one upon another. For if any foolish speeches have passed, I protest, as I shall be saved, that they were never purposed by me, nor understood to be so purposed by me, to the hurt of her majesty's person.

Essex. I beseech your lordship to understand me, and assure yourself, that what I now speak, is not with any desire (I protest) to spare one drop of my blood; and because some honourable persons are interested in the cause, I would (under favour) signify, because the point hath been so much urged by Mr. Attorney, that at our being in London when we were past Pauls, word was brought me, that the chain was drawn at Ludgate, and that my lord of Cumberland was there: which when I heard, I was right glad; for if there had been cause, I would have been glad to put myself into so honourable a person's hands as his: but it was a false report, for my lord was not then come thither. After which I went to sheriff Smith's house, and after my coming thither, I sent the Sheriff and Mr. Alderman Watts to my Lord Mayor, desiring him to come to us; if he would not, to send four of his aldermen to see if we demeaned ourselves loyally, with intent to put ourselves into their hands to use as they would, or to put us into any prison; yet in regard of our private enemies, and the fear of their treachery, we desired them to shut their gates: and this was the end for which we went into the city.

Attor. My lord, if you had no other purpose, why did you go into Gracechurch Street, and Fenchurch Street, crying out all the way you went, England is bought and sold to the Spaniard!

Southamp. Mr. Attorney, I protest (as I hope to have mercy in heaven) I never heard my lord speak any such word, neither did I hear of the proclamation you speak of, made by my lord Burleigh and the herald at arms; neither did I see them: and I deny (my soul and conscience bearing me witness) that I never knew of any intent and meaning, or did ever mean or intend any treason, rebellion, or other action against my sovereign or the state; but only what I did, was to assist my lord of Essex in his private quarrel; and therefore, Mr. Attorney, you have urged the matter very far, and you wrong me therein, my blood be upon your head. As for my lord of Rutland, whereas he inferreth against me to be a persuader and inviter of my lord of Essex to these actions, he wrongeth me exceedingly: for he was never the man that saw me once discontented, and therefore had small ground or reason so to say. And you, Mr. Attorney, whereas you charge me for a papist, I protest most unfeignedly, I was never conversant with any of that sort; I only knew one White, a priest, that went up and down the town, yet did I never converse with him in all my life.

Essex. My lord, and you that be our peers, I beseech you give me hearing thus far; not that I will speak it for the safeguard of my life, but with this my desire, I charge the souls of all them that be our censurers or triers: because out of a form and custom of speaking, these orators would make them more odious that come to the bar, that I may not be thought to have done this upon revenge: for within these few days I purposed to have received the communion, to be a testimony that I was far from bearing of malice to any, not so much as to my private enemies. But the falling out between the earl of Southampton and the lord Grey, happening on a Sunday, hindered my intent; for so soon as I knew of it, I found my affections to stir on it exceedingly: yet I have since that time laboured, and by my prayers to God earnestly desired, that I might be armed with patience to endure all afflictions. And here I protest before the ever-living God, as he may have mercy on me, that my conscience is clear from any disloyal thought or harm to her majesty; and my desire ever hath been to be free from bloodshed, as Mr. Dove can witness. But if in all my thoughts and purposes I did not ever desire the good estate of my sovereign and country, as of my own soul; I beseech the Lord then shew some mark upon me and my soul in this place, for a just vengeance of my untruths to all the world. And God, which knoweth the secrets of all hearts, knoweth that I never sought the crown of England, nor ever wished to be a higher degree than a subject. I greatly endeavoured to have brought my conscience to peace, only by seeking to secure my access to the presence of the queen, that I might speedily have unfolded my griefs unto her majesty against my private enemies; but not to have shed one drop of their blood: And this, my lord, I speak, to the end I might put off all imputation of being an hypocrite, or an atheist; for I was never papist, neither did I ever favour any sectary (as my lord of Canterbary knoweth and can testify): for my religion, it is sound, and as I live, I mean to die in it.

Bacon. Well, my lord, may it please your grace, you may see how weakly he hath sha-

dowed his purpose, and how slenderly he hath answered the objections against him. But, my lord, doubting that too much variety of matter may minister occasion of forgetfulness; I will only trouble your lordship's remembrance with this only point, rightly comparing this rebellion of my lord of Essex to the duke of Guise's, that came upon the Barricadoes at Paris in his doublet and hose, attended upon with 8 men: but his confidence in the city was such (even as my lord's was), that when he had delivered himself so far, and that the shallowness of his own conceit could not accomplish what he expected, the king for his defence taking arms against him, he was glad to yield himself, thinking to colour his pretexts, turned his practices, and alledged the occasion thereof to be a private quarrel.

Essex. My lord, I must confess it was my fault to stand out, and to maintain my house with defence and resisting; but I will not deny but that my lord of Southampton and sir Cha. Davers did persuade me to parley with my Lord General: which I hope your lordship will remember I did yield upon some indifferent terms and conditions; which were, 1. That I might have an honourable trial. 2. That I might deliver my griefs myself to the queen. 3. That I might go in safety. 4. That I might have my minister with me. And, lastly, (Which I chiefly beg of her majesty,) That she would be pleased to redeem some that were with me in the house, and guiltless, for knowledge, intent or action, of what was by me purposed. All which I thought good to remember, and so humbly submit the same to her majesty's gracious pleasure.

Serj. at Arms. Then Proclamation was made, Lieutenant of the Tower, withdraw your Prisoners from the bar. They being removed, the lords and peers went together into a private place made of purpose, behind the canopy and chair of estate; then the two Chief Judges and the L. C. Baron were sent for in to them, to deliver their Opinions in law, which they did upon two points; the one,* 'That in case where a subject attempteth to put himself into such strength, as the king shall not be able to resist him, and to force and compel the king to govern otherwise than according to his own royal authority and direction, it is manifest rebellion.' The other, 'That in every Rebellion† the law intendeth as a consequent the compassing the death and deprivation of the king, as foreseeing that the rebel will never suffer that king to live or reign, who might punish or take revenge of his treason and rebellion.' After half an hour they came all out again, and each man took his place; which being done, the Serj. at Arms begun at the puisne lord, and called Thomas lord Howard, who stood up bare-headed.

L. *Steward.* My lord Thomas Howard Whether is Robert earl of Essex guilty of this Treason whereupon he hath been indicted, as you take it upon your honour, or no?

L. *Tho. Howard.* Whereupon the lord Thomas Howard made answer, bending his body, and laying his left hand upon his right side, said, 'Guilty, my lord, of High-Treason.' After which manner all the peers found him guilty one after another, from the puisne to the highest, and so delivered in like sort upon their honours. Being called over a-new, they found Henry earl of Southampton guilty of High-Treason also.

Then the Serjeant at Arms commanded the Lieutenant of the Tower to bring his Prisoners to the bar again. Then the Clerk of the Crown speaking first to the earl of Essex, said; Robert earl of Essex, you have been arraigned and indicted of High-Treason; you have pleaded not Guilty, and for your trial you have put yourself upon God and your peers; the peers here (who have heard the Evidence and your Answer in your Defence) have found you Guilty: now what can you say for yourself, why you should not have judgment of death?

Essex. I only say this, That since I have committed that which hath brought me within the compass of the law, I may be counted the law's Traitor in offending the law, for which I am willing to die, and will as willingly go thereto as ever did any: but I beseech your lordship and the rest of the Lords here to have consideration of what I have formerly spoken, and do me the right as to think me a Christian, and that I have a soul to save, and that I know it is no time to jest: lying and counterfeiting, my soul abhorreth; for I am not desperate nor void of grace, now to speak falsly. I do not speak to save my life, for that I see were vain: I owe God a death, which shall be welcome, how soon soever it pleaseth her majesty. And to satisfy the opinion of the world, that my conscience is free from Atheism and Popery, howsoever I have been in this action misled to transgress the points of the law, in the course and defence of private matters, and whatsoever through the weakness of my wit, and dulness of memory, or through violent courses (if there be any violent that seek either life or death); or if I have omitted or may have uttered any thing otherwise; yet I will live and die in the faith and true religion which here I have professed.

Then the Clerk of the Crown demanded of Henry earl of Southampton, What he could say for himself, why Judgment of death should not be pronounced against him?

Southampton. My lords, I must say for my part, as I have said before, That since the ignorance of the law hath made me incur the danger of the law, I humbly submit myself to her majesty's mercy; and therefore, my Lord High Steward, and my Lord Admiral, I beseech you both, that seeing you are Witnesses I am con-

* Poph. 122, Cr. Car. 583. Keel. 76. Mo. 621. 2 And. 5. 66. 3 Co. Inst. 9. 3 Co. Inst. 12.

† See Luders's "Considerations on the law of High Treason in the article of Levying War," 76, 77.

demned by the letter of the law, it would please you to let the queen know that I crave her mercy. I know I have offended her, yet if it please her to be merciful unto me, I may live, and by my service deserve my life. I have been brought up under her majesty, I have spent the best part of my patrimony in her majesty's service with danger of my life, as your lordships know; if there were any that could challenge me, that I have ever heretofore committed or intended Treason, or any other thing prejudicial to her majesty or estate, God let me never inherit his kingdom, neither would I desire mercy: but since the law hath cast me, I do submit myself to death, and yet I will not despair of her majesty's mercy; for that I know she is merciful, and if she please to extend it, I shall with all humility receive it.

L. *Steward.* My lord of Essex, the queen's majesty hath bestowed many favours on your predecessors and yourself; I would wish therefore that you likewise would submit yourself to her majesty's mercy, acknowledging your offences, and reconciling yourself inwardly to her majesty, by laying open all matters that were intended to prejudice her majesty, and the actors thereof; and thereby no doubt you shall find her majesty merciful.

Essex. My lord, you have made an honourable motion; do but send to me at the time of my death, and you shall see how penitent and humble I will be towards her majesty, both in acknowledging her exceeding favours to my ancestors, and to myself: whereby I doubt not but the penitent suffering of my death, and sprinkling of my blood, will quench the evil-conceited thoughts of her majesty against me. And I do most humbly desire her majesty, that my death may put a period to my offences committed, and be no more remembered by her highness. If I had ever perceived any of my followers to have harboured an evil thought against her majesty, I would have been the first that should have punished the same, in being his executioner; and therefore I beseech you, my good lord, mistake me not, nor think me so proud, that I will not crave her majesty's mercy, for I protest (kneeling upon the very knee of my heart) I do crave her majesty's mercy with all humility: yet I had rather die than live in misery.

Then the Lord High Steward, after a few exhortations unto the earls to prepare themselves for God, told them, Seeing the law had found them guilty, it followed of course that he must proceed to Judgment.

The earl of Essex replied very cheerfully, and said; Yea, my lord, with a very good will I pray you go on.

Then the Lord High Steward gave Judgment as followeth: You must go to the place from whence you came, and there remain during her majesty's pleasure; from thence to be drawn on a hurdle through London streets, and so to the place of Execution, where you shall be hanged, bowelled, and quartered; your head and quarters to be disposed of at her majesty's pleasure, and so God have mercy on your souls.

Essex. My lord, I am not a whit dismayed to receive this Sentence, for I protest death is as welcome to me as life; and I shall die as cheerful a death upon such a testimony, as ever did man. And I think it fit my poor quarters that have done her majesty true service in divers parts of the world, should be sacrificed and disposed of at her majesty's pleasure; whereunto with all willingness of heart I have submitted myself. But one thing I beg of you, my lords, that have free access to her majesty's person, humbly to beseech her majesty to grant me, that (during the short time I shall live) I may have the same preacher to comfort me, that hath been with me since my troubles began; for as he that hath been long sick, is most desirous of the physician which hath been, and is best acquainted with the constitution of his body; so do I most wish to have the comfort and spiritual physic from the preacher which hath been and is acquainted with the inward griefs, and secret affections of my soul. And my last request shall be only this; that it will please her highness that my lord Thomas Howard and the Lieutenant of the Tower may be partakers with me in receiving the Sacrament, and be a witness of it, in token of what I have protested to be true in this life, for my loyalty, religion, and peace of conscience: and then whensoever it shall please her majesty to call me, I shall be ready to seal the same with my blood.

The lords promised they would move the queen for his requests.

Essex. I humbly thank your lordships.

Then the Serjeant at Arms stood up with the mace on his shoulder, and after proclamation was made, said thus: All peers that were summoned to be here this day, may now take their ease; and all other persons attending here this service, may depart in her majesty's peace, for my Lord High Steward is pleased to dissolve this Commission.

As the lords were rising, the earl of Essex said, My lord De la Ware, and my lord Morley, I beseech your lordships to pardon me for your two sons that are in trouble for my sake: I protest upon my soul they knew not of any thing that was or should have been done, but came to me in the morning, and I desired them to stay, and they knew not wherefore. And so farewel, my lords.

The earl of Southampton obtained a reprieve, but the earl of Essex was ordered for Execution.

On the 25th of February 1601 [*], which was the day appointed for his Execution, Thomas Mountford and William Barlow, doctors of divinity, with Ashton the minister of the church in the Tower, were sent unto him early in the morning to administer christian consolation to his soul. In presence of these men he gave thanks to Almighty God from the bottom of his heart, that his designs, which were so danger-

[*] Camd. Eliz. 621.

ous to the state, succeeded not. He told them, he had now looked thoroughly and seriously into his sin, and was heartily sorry he had so obstinately defended an unjust cause at the bar. He thanked the queen she had granted he should not be publicly executed, lest his mind, which was now settled and composed, might be disturbed by the acclamations of the people, protesting that he had now learned how vain a thing the blast of popular favour and applause was. He acknowledged how worthy he was to be spued out (these were his words) by the Common-wealth, for the wickedness of his enterprize, which he likened to a leprosy spread far and near, and that had infected many.

The Queen in the mean time wavered in her mind. One while relenting, she sent her commands by sir Edward Carey that he should not be executed: but then remembering his perverse obstinacy, that he scorned to ask her pardon, and had declared openly that his life would be the queen's destruction, she soon after sent a fresh command by Darcy that he should be put to death.

Then he was brought forth† between the divines to a scaffold erected within the Court-yard of the Tower: Near which sat the earls of Cumberland and Hertford, viscount Howard of Bindon, the lord Howard of Walden, the lord Darcy of Chiche, and the lord Compton. There were present also some of the aldermen of London, and sir Walter Raleigh, who if we may believe himself, came with an intent to make answer if any thing should be objected against him by the earl at his death; but others thought he came to feed his eyes with a sight of the earl's sufferings, and to satiate his hatred with his blood. But being admonished not to press upon the earl at his death, which is the part rather of ignoble brutes, he withdrew himself further off, and beheld his Execution out of the armory.—The earl, as soon as he was come upon the scaffold, uncovered his head, and lifting up his eyes to heaven, acknowledged that many and great had been the sins of his youth, for which, with most fervent prayer (he begged pardon of the eternal majesty of God, through Christ his mediator; especially for this last sin, which he termed a bloody, crying, and contagious sin, wherewith so many had been seduced to sin against God, their prince and country. He besought the queen and her ministers to forgive him, praying for her long life and prosperous estate, protesting withal that he never intended to lay violent hands on her person. He gave God thanks that he had never been Atheist, or Papist, but had placed all his hope and confidence in the merits of Christ. He prayed God to strengthen his mind against the terrors of death; desiring the standers-by to join with him in a short prayer, which with broken sighs, and fervent affection of inward devotion, he presently uttered. Afterwards the executioner asking forgiveness he forgave him; He recited the Apostles Creed, and then laying himself down, placed his neck upon the block; and having repeated the first verses of the 51st Psalm, he said, 'In humility and obedience I prostrate myself to my deserved punishment: Thou, O God! have mercy on thy prostrate servant: Into thy hands, O Lord! I commend my spirit.'—His head was taken off at the third stroke, but the first took away all sense and motion.

† Moor, 622.

71. Proceedings in Parliament against John Earl of Gowrie, Alexander Ruthven his Brother, Henry Ruthven, Hugh Moncrief, and Peter Eviot, for High Treason: 42 Eliz. Nov. 15, A. D. 1600, at Edinburgh. [Extracted from the authentick Records, and the principal Vouchers (which lie in public Custody in the Parliament-House, at Edinburgh) by George Earl of Cromerty, Keeper of the Records, Temp. Cor. 2. Also from the Somers' Tracts, 4 coll. vol. 1. p. 213.]

William, earl of Gowrie, having been condemned at Stirling, and executed in the year 1584, with two others, for seditious practices, in seizing the king's person at Ruthven-House, when in his minority, and banishing from him all others who were not of their party, making him condescend to what they proposed, and levying forces to secure themselves and the king's person in their custody; occasioned the hot clergy of their party, both to preach and publish scandalous pamphlets against the king and government: this did beget a strict friendship between young Gowrie and the factious clergy. Albeit, the king did, with great benignity, restore the earl of Gowrie to his father's honours and estate; yet, his two sons, the earl, and Mr. Alexander, were nursed up in such malice against the king, by some of his relations, (but especially by the Clergy), that neither the king's restoring him to his estate and honour, conferring also other marks of favour and trust on him, (and placing his sister as the first lady of honour to the queen, and making his brother Alexander one of his bed-chamber) could allay his revenge, till at last, he resolved to bring his long-designed purpose

to effect. For, in August 1600, he devised and contrived the bringing the king from Falkland to his house in Perth; and there, with his fellow-conspirators, to have murdered the king.

On account of this Treason †, and several disorders, a Parliament was indicted to meet at Edinburgh on the first of November that year 1600, albeit the printed Acts bear its meeting to be on the 15th.

Accordingly, a Parliament was indicted, to be holden at Edinburgh on the 1st of Nov. 1600, and, as is ordinary, it was adjourned to the 4th. On which day, sir Thomas Hamilton, king's advocate, produced a summons of Treason duly executed against William Ruthven, brother and apparent heir to John earl of Gowrie, and Mr. Alexander Ruthven: calling also, in the summons, the tutors and curators of the said William, (if he had any) and all others, having pretence or interest in the matter, to hear it found; and declared, that the said earl of Gowrie, and Mr. Alexander his brother, had committed Treason, in attempting to bereave his majesty of his life, at St. Johnstoun, on the 5th day of August last by-past: The Summons and Executions being read, and the heraulds and messengers sworn to the veracity of the executions, both at their private houses, mercat-crosses, and shoar and peer of Leith, &c. (which are the most public Intimations and Citations that can be given by the law of Scotland;) which Citations were given on the 28th of August and 29th ditto, in their respective places and mercat-crosses, and the Parliament was declared current daily.

On the 9th day, the said Summons and Executions were read over again, another summons of treason was produced, with their executions and verifications, made on oath in the face of the court, against Alexander and Henry Ruthven, sons to Alex. Ruthven of Fricland; and against Hugh Moncrief, brother to William Moncrief of that ilk; Patrick Eviot, brother to Colin Eviot of Balhousie; to hear and see themselves decerned, as guilty of High-Treason, and Lese-Majesty against the king at Perth, the 5th day of August last past. And likewise by warrant from the Parliament, one Andrew Henderson, who was prisoner in the Tolbooth of Edinburgh, on accusation for the said crime, was brought by the baillie of Edinburgh, and sisted before the Parliament; he having received formal summons in the Tolbooth, on the 28th of August last past.

The summons being thrice called, the executions all verified, and none of the persons cited compearing, excepting Andrew Henderson the prisoner; the King's Advocate did take instruments: and likewise the king's advocate did then, and there, produce before the lords, our sovereign lord's letters of relaxation, given under his highness's signet at Edinburgh, relaxing all the persons so summoned from the horn, and from all the summons executed against them, at the instance of whatsoever persons; that so, they might have safety and freedom to compear: and which relaxations were promulgated, at the mercat-crosses of the shires where each person had his abode; and also at the mercat-cross at Edinburgh, and shoar and peer of Leith. And these executions and relaxations were registrated in the records of the shires where the accused did reside: on which production the king's advocate did take instruments.

The Lords Commissioners in Parliament did remit the said Andrew Henderson to the Tolbooth for safe custody, and the Parliament adjourned until the 15th of Nov.: on which day, the Parliament having met, the said sir Thomas Hamilton, Advocate, produced the said summons of Treason and Executions; and the heraulds and messengers having, of new, verified the executions upon oath formerly, &c. neither William, nor none for him, nor the others cited, compearing; the King's Advocate did take instruments thereon: only Mr. Thomas Henrison, one of the commissaries of Edinburgh, compeared for the foresaid Andrew Henderson, and produced the Writ following, undersubscribed by the king's advocate. 'It is our 'will and we command you, that upon sight 'hereof, ye delete Andrew Henderson, chamberlain to umquhile John earl of Gowrie, his 'name furth of the summons of Treason and 'Forfaulture, raised and executed against him, 'for being art, part, redd, counsel, and counselling, of the late Treason conspired by the 'said umquhile earl, his umquhile brother, and 'complices, against our person; and as you 'will answer to us hereupon; keeping thir 'presents for your warrant. Subscribed with 'our hand at Holy-rood-house, the 9th of 'Nov. 1600. Sic subscribitur, Jacobus *R.*' Conform whereunto, the advocate did delete his name.'

The Heraulds and Messengers did, at that same time, again verify upon oath the executions given in; and the relaxations and executions against William, and Alexander, and Henry Ruthven, Patrick Eviot, and Hugh Moncrief; and the Parliament found the Dittay relevant: and then adjourned till the 15th of November, and remitted the examination of the witnesses to the Lords of Articles, which are a Committee of Parliament, according to the constant practice and custom in Parliament.—*Note,* the Lords of the Articles in that parliament, were two bishops and four abbots, all men of great worth and integrity; four earls, viz. Lennox, Errol, Marrischal, and Marr; four lords, viz. Seton, Livingstoun, Newbottle, and Fivie; seven barons, and nine commissioners of boroughs.

On the 15th of November, the Parliament did again meet, and the Advocate did again call the summons of Treason against all the forementioned persons (except Henderson), for enterprizing the slaughter of the king, on the 5th of August last past. Being all three called, and none compearing, the hail estates did find

† See Spotiswood's History of the Church of Scotland, p. 457, 458, 459, 460.

both the summons, reasons and causes therein mentioned, relevant; and therefore admitted the same to the Advocate's probation. Whereupon the Advocate did produce the Letters of horning duly executed and endorsed, against Alexander and Henry Ruthven, Hugh Moncrief, and Patrick Eviot; bearing, that they were denounced rebels, and put to the horn, for crimes of Treason therein mentioned.

And the oaths and depositions of the Witnesses, let and adduced by the Advocate, for proving of the Treason against the defenders (taken before the Lords of Articles), viz. the Deposition of umquhile Mr. Thomas Cranstoun, and George Craigingelt, when they were executed to death, for the foresaid crime of Treason: and likewise, the Advocate repeated the notoriety, with the circumstances of the matter of fact, to prove the points of the Libel; and produced the Depositions of all the witnesses, which were all read, as follows:

The DEPOSITIONS *of the* WITNESSES, *examined in presence of the Lords of Articles, for proving of the said two Summonses of Treason.*

THE Duke of Lenox, sworn and examined, depones, That upon the 5th day of August last by-past, this deponent, for the time being in Falkland in company with his Majesty, he saw Mr. Alexander Ruthven speaking with his grace before the stables, betwixt six and seven in the morning; and shortly thereafter, his majesty passing to the hunting of the buck, and having slain one in the Park of Falkland, his highness spake to the deponent, disyring him to accompany his majesty to Perth, to speak to the earl of Gowrie. And incontinent thereafter, this deponent sent his servant for another horse, and for a sword, and lap on, and followed his grace: and as this deponent overtook his grace, Mr. Alexander Ruthven was speaking with his majesty; and shortly after the deponent's coming to the king, his highness rode a-part, and spake with this deponent, saying, Ye cannot guess, man, what errand I am riding for; 'I am going to get a pose in Perth: and Mr. Alexadder Ruthven has informed me, that he has fund a man, that has a pitchard full of coined gold, of great sorts. And in the mean time, his highness enquired of this deponent, of what humour he thought Mr. Alexander to be of? Who answered, that he knew nothing of him, but as of an honest discreet gentleman. And after that his highness had declared to this deponent, the hail circumstances of the man who had the said gold, the place where it was found, and where it was kept; this deponeift answered, I like not that, sir; for that is not likely. And they riding beside the bridge of Erne, his majesty called to the deponer, that Mr. Alexander disyred him to keep that matter of the pose secret, and take nobody with him; and then his highness, both at that time, and thereafter at St. Johnstoun, within the earl of Gowrie's hall, said to this deponer, Take taint where I pass with Mr. Alexander Ruthven, and follow me. And as his majesty was within a mile to Perth, after that Mr. Alexander had come a certain space with his highness, he rod away and galloped to Perth, before the rest of the company, towards his brother's lodging, of purpose (as the deponent believes), to advertise the earl of Gowrie of his majesty's coming there. And as his majesty was within two pair of butt-langs to the town of Perth, the earl of Gowrie, accompanied with diverse persons, all on foot, met his highness in the Inche, and saluted him; and immediately thereafter, his majesty, accompanied with this deponent, the earl of Mar, Inchechaffrey, sir Tho. Erskin, laird of Urquhil, James Erskin, Wm. Stuart, sir Hugh Herries, sir John Ramsay, John Murray, John Hamilton of the Grange, and John Graham of Bagowie, past all together, in the earl of Gowrie's hall; the said earl of Gowrie, and the said Mr. Alex. Ruthven being baith present with them. And after their entry, his majesty cry'd for a drink, which was a long time a-coming: and it was an hour after his first coming, before his majesty got his dinner. And in the time that his majesty got his desert, the earl of Gowrie came to this deponent, and to the earl of Mar, and remanent persons foresaid, and desired them to dine, which they did, in the hall; and when they had near hand dined, the earl of Gowrie came from his majesty's chamber to the hall, and called for wine; and said, that he was directed from his majesty's chamber, to drink his Scoll (the word used then for drinking a health) to my lord duke, and the rest of the company; which he did. And immediately after the scoll had pass'd about, this deponent did raise from the table, to have waited upon his majesty, conform to his former direction; and then the earl of Gowrie said to the deponent, that his majesty was gone up quietly, some quiet errand. And then, the said earl of Gowrie cry'd for the key of his garden, and pass'd in company with this deponent, to the garden, accompanied with Lindores and sir Hugh Herries, and certain others: and shortly after their being in the garden, Mr. Tho. Cranstoun came down to the garden, crying, the king's majesty is on horseback, and riding through the Inche: and then the earl of Gowrie cry'd, 'Horse, Horse.' And the said Mr. Thomas Cranstoun answered to him, Your horse is in town; to whilk the earl of Gowrie made him no answer, but cry'd, 'Ay, Horse, Horse.' And this deponent and the earl of Gowrie came first out of the garden, through the hall to the closs, and came to the oute gate; and this deponent speird at the porter, if the king was furth; who answer'd, that he was assured that his majesty was not come furth of the place. Then the earl of Gowrie said, I am sure he is first always; stay, my lord, drink, and I shall gang up, and get the verity and certainty thereof. And the said earl of Gowrie passed up, and incontinent came again to the closs, and he affirmed to this deponent, that the king's majesty was furth at the back-gate, and away. Whereupon, this deponent, the earl of Gowrie, and Mar, and hail

company, past furth at the fore-gate of the lodging; and staid before the same gate, upon the street: and as they were standing there, advising where to seek the king, incontinent, and in the mean time, this deponent heard a voice, and said to the earl of Mar, This is the king's voice, that cryes, be where he will; and so they all looked up to the lodging, and saw his majesty looking furth of the window, wanting his hat; his face being red, and an hand gripping his cheek and mouth; and the king cry'd, 'I am murder'd; Treason! My lord Mar, help, help.' And incontinent, this deponent, the earl of Mar, and their company, ran up the stair of the gallery chamber, where his majesty was, to have relieved him: and as they passed up, they found the door of the chamber fast; and seeing a ladder standing beside, they rasht at the door with the ladder, and the steps of the ladder brake: and syne, they send for hammers; and notwithstanding large forcing with hammers, they got not entry at the said chamber, while after the earl of Gowrie and his brother were both slain. That Robert Brown past about be the back-door, and came to his majesty, and assured his highness, that it was my lord duke and the earl of Mar, that was stricking up the chamber door; and the hammer was given through the hole of the door of the chamber: and they within brake the door and gave them entry: and, at their first entry, they saw the earl of Gowrie lying dead in the chamber, Mr. Alexander Ruthven being slain, and taken down the stairs before their entry. And at their first entry within that chamber where the king's majesty was, the deponent saw sundry halberts and swords stricking under the door of the chamber, and sides thereof, by reason the same was nae closs door; and knew none of the strickers, except Alexander Ruthven one of the defenders, who desired to speak with this deponent through the door, and speird at him, For God's sake tell me how my lord of Gowrie was. To whom this deponent answered, He is well: and the said deponent bad Alexander to gang his way; and that he was ane fool; and that he would get little thanks for that labour. And, in the mean time, as they were continuing to strick with halberts under the door, meikle John Murray, servant to Tullibardin, was stricken through the legg; and how soon the said Alexander Ruthven had heard the said lord duke speak, he and his hail complices past from the foresaid door, and made no more trouble thereafter thereat, and passed down to the closs, and stood there. And saw none of the remanent defenders present, at the doing of the violent turns that day, except by report, but the said Alexander Ruthven: but says, that he saw Hugh Moncrief, Earn, and Alexander Daithvenies, and Patrick Eviot, with the earl of Gowrie, at the king's dinner that day; and that before and thereafter, looking over the chamber window, he saw George Craigingelt and Alexander Ruthven; and did see others of the earl of Gowrie's servants, whom this deponent knew not, standing in arms within the closs: and also saw other persons carrying ane joist from the town, to the closs of the earl of Gowrie's lodging: and declares, that there abode sundry persons within the said close, and in the high street, before the said earl's lodging, crying and making tumult, to the space of two hours mair, next after the death of the said earl of Gowrie, and his brother. *Sic subscribitur,* Lenox.

The Earl of Mar, sworn and examined, depones, conform to the lord duke of Lenox's deposition, in all things substantial, except that his lordship saw not Mr. Alexander Ruthven in Falkland, while about ten hours the day libelled, shortly before the slaying of the buck: and also, overtook not his majesty that day, while his majesty was near the bridge of Erne: and, that after their dinner, my lord of Mar passed not to the yeard, in company with the earl of Gowrie, but passed to a chamber where the king dined, and saw nothing of the joist. *Sic subscribitur,* Mar.

Andrew Henderson, chamberlain of Scoon, sworn, depones, that he is of the age of thirty-eight years; declares, that upon Monday at night, the 4th day of August last by-past, this deponent being, after supper, in company with the earl of Gowrie and Mr. Alexander Ruthven, within my lord's own chamber; the earl of Gowrie enquired at this deponent, what he had to do to-morrow? To whom this deponent answered, that he had to do, to ride to Ruthven, to speak with the tenents. Then the earl of Gowrie answered, stay that journey, you must ride to Falkland, in company with my brother Mr. Alexander; and take Andrew Ruthven with you; and that ye be ready to ride be four hours in the morning: and haste thou back with answer, as my brother orders you, by writ or otherways: and let Andrew Ruthven remain with my brother. And, in the morning, after four hours, they rode all three together to Falkland; and coming to Falkland, they lighted at John Barfour's house, and seeing that colonel Edmund was there, they lodged in ane Law's house: and the master sent this deponent about seven hours in the morning, to see what the king's majesty was doing. And as he was within the place, he saw the king's majesty coming furth the midcloss, booted; and then he returned back again to the master, and said to him, Haste you, the king's majesty is coming forth: and incontinent, the master followed his majesty, and spake with his majesty foranent the equirie; and the king laid his hand on his shoulder, and clapped him, where they spake together be the space of ane quarter of an hour. And thereafter, the master directed this deponent to ride to Perth in haste, as he loved the lord Gowrie's and his honour, and advertise his brother, that his majesty will be there, with a few number incontinent; and cause make his dinner ready. Then this deponent answered, Shall I ride presently? The master answered, no, but stay a-while, and follow the king and me, while I

speak with his majesty again. And, as his majesty was riding through the sloap of the Parkdike, the master spake to his majesty; and immediately thereafter, the master bad this deponent to pass to St. Johnstoun, with all possible diligence, according to his former directions. And, at this deponents coming to Perth it was shortly after ten hours in the morning, he entered in the lord of Gowrie's chamber, where he saw his lord speak with George Hay and Mr. Peter Hay: and how soon my lord of Gowrie saw this deponent, he came aside to this deponent, and enquired secretly, what word he had brought from his brother? and if he had brought a letter? This deponent answered, that he had brought no letter: What answer then, said he, has he to me? This deponent answered, that the master his brother bad tell his lordship, that the king's majesty would be there incontinent; and bad haste his dinner. Then the earl bad this deponent to follow his lordship to the cabinet, and speird at him, how his majesty had tane with his brother? He answered, that he was well tane with; and when he did his courtesy, the king laid his hand upon his shoulder. The earl speird, what number of persons was with the king at the hunting? who answered, that he knew not well; but that there were sundry of his own with him, and some English-men. And then the earl speird, what noblemen were with him? He answered, none but my lord duke. And thereafter, this deponent passed to his own house in the town, and took off his boots, and returned to the earl within an hour: and how soon the earl saw him in his chamber, he called upon this deponent, and bade him put on his secret, [a coat of mail] and plate-sleeves. The deponent enquired to what effect? The earl answered, I have an Highland-man to take in the Shoegate; and then the deponent passed to his own house, and put on his secret, and plate-sleeves, came back again to the earl of Gowrie's house; and about half an hour to one, the earl commanded this deponent, Take up my dinner; and this deponent passed, and took up the first service, by reason Charles Craigingelt was sick. And incontinent the said earl passed to his dinner, accompanied with Mr. John Moncrief, laird of Petcrief, Mr. James Drummond, Alexander Peeples, baron of Findowne. And shortly after the first service was set down, my lord sitting at the table with the foresaid company, Andrew Ruthven came in from the master, and rounded to the earl, but heard not what he said; and shortly after, this deponent passing down to take up the second service, Mr. Alex. Ruthven and Wm. Blair came in to the earl, my lord sitting at his dinner: and hown soon my lord saw them, he and his hail company rose from the table; and then this deponent hearing my lord on foot bid this deponent send for his steel-bonnet and gantlet, believing that my lord was going to take the said Highland-man. And as this deponent perceiving my lord passing to the Inche, and not to the Shoegate, he sent home his steel-bonnet, and cast his gantlet in the pantry, and thereafter followed the earl to the Inche, where he saw the said earl with his majesty, the duke, and the earl of Mar, and came in all together to the earl's house. And after his majesty had come to the earl's house, the master of Ruthven speird at this deponent, where the key of the gallery-chamber was? Who answered, That he handled not the key since the earl came in Scotland. Then the master bid this deponent speak to Mr. William Rynd to give to him the said key: and the master passing up to the gallery, Mr. W. Rynd followed him, and gave to him the said key: and thereafter, immediately after his majesty's down-sitting to his dinner, Mr. Thomas Cranstoun came to this deponent,* and bade him gang to the earl of Gowrie; which this deponent did. And the earl of Gowrie, in the outer chamber, where the king dined, spake to this deponent secretly, and bad him pass to the gallery to his brother. So he passed up, and the earl follows him; and they being all three together in the gallery-chamber, (whereof he had the key from Mr. Wm. Rynd) the earl said to this deponent, Tarry still with my brother, and do any thing he bids you. Then this deponent came to the master, and speird, What will you with me, Sir? Then the master spoke to my lord, Let Andrew Henryson go into the round of the chamber, and I will lock him in, and take the key of the chamber with me; where this deponent abode half an hour or thereby, locked his alane, having his secret, plate-sleeves, sword and whinger with him, and wanting his steel bonnet. And all this time, this deponent feared some evil to be done: that, upon this, he kneeled and prayed to God; and about the end of the half hour, Mr. Alexander opens the door of the room, and entered first within the same, having the king's majesty by the arm, and puts on his hat upon his head, draws forth this Andrew Henderson deponent's whinger; and says to the king, having the drawn whinger in his hand, Sir, you must be my prisoner; remember on my father's death. And, as he held the whinger to his majesty's breast, this deponent threw the samen furth of Mr. Alexander's hands. And the time that Mr. Alexander held the whinger to his majesty's breast, the king was beginning to speak. The master said, Hold your tongue, sir, or, by Christ, ye shall die. Then his majesty answered, Mr. Alexander, Ye and I were very

* Upon the information of Henderson, and other witnesses, Cranstoun and Craigingelt were pannelled before the Justiciary at Johnstoun; and upon clear testimonies, and on their own confession at the bar (which they also adhered to on the scaffold) they were both executed: only alledging, that they did not know of the design to murder the king; but that they intended to force the king to make great reparations for the late earl of Gowrie's death: and that this earl of Gowrie was to be made a great man.

great together; and as touching your father's death, man, I was but a minor. My council might have done any thing they pleased. And farther, man, albeit ye bereave me of my life, ye will not be king of Scotland; for I have both sons and daughters, and there are men in this town and friends that will not leave it unrevenged. Then Mr. Alexander answered, swearing with a great oath, that it was neither his life nor blood that he craved. And the king said, what traiks, [what then] albeit ye take off your hat; and then Mr. Alexander took off his hat. And the king said, What is it ye crave, man, and ye crave not my life? who answered, Sir, it is but a promise. The king answered, What promise? The said Mr. Alexander answered, For, my lord my brother will tell you. The king said, Fetch hither your brother. And syne the said Mr. Alexander said to the king, Sir, you will not cry, nor open the window while I come again? and the king promised so to do. Then Mr. Alexander passed forth and locked, and passed not from the door, as he believes. In the mean time, the king entered in discourse with this deponent, How came you in here, man? And this deponent answered, As God lives, I am shot in here like a dog. The king answered, Will my lord of Gowrie do me any evil, man? This deponent answered, I vow to God I shall die first. And then the king bad this deponent open the window and he opened the window that looked to the Spy-tower: and the king answered, Fy, the wrong window, man! And thereafter, this deponent passing to the other window nearest his majesty, to open the same; before he got to the window, Mr. Alexander opened the door, and came in again, and said to his majesty, By God! there is no remedy; and then he loups to the king, and got him by both the hands, having ane garter in his hands. Then the king answered, I am a free prince, man; I will not be bound: so his majesty cast loose his left hand from Mr. Alexander; and at that same time, this deponent draws away the garter from Mr. Alexander, and his majesty loups free from the said Mr. Alexander, and the said Mr. Alexander follows his majesty, and with his left hand about his majesty's oraig, puts his right neeve [fist] in his majesty's mouth: so his majesty wrestling to be quite of him, this deponent put his hand out of his majesty's mouth. And thereafter, this deponent did put his left hand over his majesty's left shoulder, and pull'd up the broad of the window, whereunto the said Mr. Alexander had thrust his majesty's head and shoulders; and with the force of the drawing up of the window, presses his majesty's body about, his right side to the window: at which time his majesty cries furth, Treason! Treason! So the master said to this deponent, Is there no help with thee? Wo worth thee, thou villain! we all die. So twining his hand on the guard of his own sword; and, incontinent, the king's majesty put his hand on the master's hands, and staid him from drawing of his sword: and this ways they both being grasped together, come forth of the cabinet to the chamber: and, in the mean time, this deponent threw about the key; then standing in the door of the head of the turnpike, which entred to the chamber, and opened the door thereof, to eschew [escape] himself, and to let his majesty's servants in. And how soon he opened the door, John Ramsay came in at the said door, with an haulk on his hand, and passed to the king's majesty, and laid about him, and drew his whinger: and as he saw him minting with the whinger, this deponent passed furth at the said door, and passed down the turnpike. And, as this deponent passed through the close, and came to the fore-gate, this deponent saw the earl of Gowrie standing before the gate accompanied by sundry persons, of whom he remembers none; but remembers well, that the earl had this deponent's knapschaw, or head-piece, on his head, and two swords drawn in his hands: and incontinently thereafter, this deponent passed to his own lodging, where he remained while the king passed furth of the town; and then the deponent passed to the bridge, and walked up and down by the space of an hour, and returned not again to the earl's lodging. And the time of his entry to his house that night, this deponent's wife inquired at this deponent, What trouble was within the place? To whom he answered, Well is me of one thing, that if I had not been there, the king had been twice sticked this night: but wo is me for the thing that is fallen out. And this deponent being demanded by Mr. John Moncrief, after his returning from Falkland, where have you been with your boots on? answered, He had been two or three miles beyond Erne, and durst not tell him the verity, by reason the earl of Gowrie had discharged him to tell the errand, he sent him, to any body. And farther, this deponent declares, That when he saw the earl of Gowrie standing with the drawn swords before the gate, this deponent spoke not to the earl, neither yet the earl to him at that time, but he passed to his own house. *Sic subscribitur,* ANDREW HENDERSON.

The Abbot of Inchechaffrey, sworn and examined, depones, That, upon the 5th of August last by-past, this deponent being in Falkland, about seven hours in the morning, he met Mr. Alex. Ruthven, accompanied with Andrew Ruthven; and, at that time, only saluted the said Mr. Alex. Ruthven, without any conference farther at that time. And at that time, he saw the said Mr. Alexander enter into conference with his majesty, upon the green, betwixt the stables and the park: which conference enduring for the space of a quarter of an hour, and the said Mr. Alexander accompanied his majesty while they came to the meadow; and, at his returning from his majesty, this deponent desired Mr. Alexander to disjune with him, by reason his own could not be soon prepared. To whom Mr. Alexander answered, He might not tarry, by reason his majesty had command-

ed him to await upon him. And, as this deponent passed to Falkland, leaving Mr. Alexander behind him, met his horse with his man, coming from Falkland to him; and then this deponent, after he had disjuned in Falkland, he took his journey they high-way to Inchechaffrey, and the deponent being but a mile be-north Strameglo, he is incompanied with my lord Duke, Lindores, the laird of Urquhill, John Hamilton of the Grange, Finlay Tailzies; and Mr. Alex. Ruthven came by this Deponent, riding the high-way to Perth. Then incontinent this deponent horsed, and accompanied his majesty to Perth, where he saw the earl of Gowrie meet his majesty in the Inche, and passed in company with his majesty, and his noblemen, and servants, to the earl of Gowrie's lodging, where they dined all together. And after dinner, this deponent being in the chamber at the north-end of the hall, word passed through the hall, that his majesty was passed away, and ridden towards Falkland; and then this deponent, in company with the lord of Mar, and remanent present for the time, passed to the close, and from that to the high-street; and the earl of Gowrie being present with them, desired them to stay, while he returned and advertised them of the verity thereof. And incontinent the earl of Gowrie passed up the stair, and returned back, and certified the Deponent and his colleagues of his majesty's departure. Then the lord Duke, this deponent and remanent, cried for their horses to follow the king. Then, as they were standing upon the high-street, they heard ane cry, and a voice; and the Duke first declared, I am sure, yon is his majesty's voice, be where he will himself. And immediately thereafter, this deponent saw his majesty looking forth of a window of the round, wanting his hat, and his face red, crying, Fy, help, my lord Mar! Treason! Treason! I am murder'd! And, at the same instant, to his judgment, was pulled per force in at the same window. And, incontinent thereafter this deponent passed in haste up with the earl of Mar and my lord Duke, to the chamber within the gallery; where he saw, heard, and did in all things conform to the earl's Deposition. *Sic subscribitur*,

INCHECHAFFREY.

The Abbot of Lindores, sworn and examined, depones, conform to the lord Duke of Lenox, in all things: addendo, That after dinner, when word was of his majesty's departure towards Falkland, and that they had all altogether came down to the porter, and had inquired at him, gif the king's majesty was gone furth? the porter answered, He was not passed furth: and the earl of Gowrie affirmed, That he was passed furth at the back-gate: and the porter said to the earl of Gowrie, That cannot be, my lord, because I have the key of the back-gate. And, after that his majesty had cried furth of the window of the round, Treason! Treason! &c. this deponent saw James Erskin incontinently lay hands on the earl of Gowrie upon the high-street; and immediately sir Tho. Erskin gripped the earl of Gowrie; Fy, Traitor! this is thy deed, thou shalt die. Then the earl of Gowrie answered, I ken nothing of the matter. Then instantly the earl of Gowrie's men tugged the said sir Tho. Erskin and James Erskin from the earl of Gowrie: who incontinently ran the space of half ane pair of butt-lands from them, towards Glenurchie's house, and drew furth his two swords, and cried, I will either be at my own house, or die by the gate. And incontinently thereafter the said earl, accompanied with thirty persons, or thereby, passed within the said place, wherein his majesty was for the time; and shortly after, the deponent, as appeared to him, saw a multitude of people carrying a joist towards the place. *Sic subscribitur*,

LINDORES.

Sir Thomas Erskin of the age of 36 years, sworn, depones conform to the lord Inchechaffrey, and lord of Lindores, addendo, That immediately after this deponent heard his majesty cry furth of the window of the round, Fy, help! I am betrayed, they are murdering me! he ran with diligence towards the place, to have helpen his majesty; and before his entry, seeing the earl of Gowrie, this deponent and his brother gripped him by the neck, and said to him, Traitor, this is thy deed. Whilk earl answered, What is the matter? I ken nothing. Immediately the earl's servants severed him from this deponent and his brother. And this deponent entered within the close, he forgathered with sir Hugh Herries, who demanded of the deponent what the matter meant; and, in the mean time, the deponent heard sir John Ramsay crying out at the turnpike-head, Fy, sir Thomas, come up the turnpike, even to the head! and, as this deponent had passed up five steps of the turnpike, he sees and meets with Mr. Alex. Ruthven blooded in two parts of his body, viz. in his face and in his neck; and incontinent this deponent cries to sir Hugh Herries, and others that were with him, Fy, this is the Traitor, strike him! and incontinent he was stricken by them, and fell; and as he was fallen, he turned his face, and cried, Alas! I had not the wyte of it; this deponent being standing above him in the turnpike. Thereafter, this deponent passed to the head of the turnpike, and entered within the chamber at the head of the gallery, where the king and sir John Ramsay were there alone present; and, at the first meeting, this deponent said to his majesty, I thought your majesty would have concredited more to me, nor to have commanded me to await your majesty at the door, gif ye thought it not meet to have taken me with you. Whereupon his majesty answered to this deponent, Alas! the Traitor deceived me in that, as he did in the leave; for I commanded him expressly to bring you to me, which he promised to me to do; and returned back, as I thought, to fetch you; but he did nothing, but steiked the door. Shortly there-

after, sir Hugh Herries followed the deponent into the chamber, and George Wilson, servant to James Erskin: and immediately thereafter Mr. Tho. Cranstoun, with his sword drawn in his hand, entered within the said chamber; and the earl of Gowrie followed him within the said chamber, with ane sword drawn in every one of his hands, and ane knapschaw on his head, who struck at this deponent and his colleagues ane certain space. Likeas, they defended them and struke again: and at that same time, this deponent was hurt in the right hand be Mr. Tho. Cranstoun; and this deponent heard my lord of Gowrie speak some words at his entry, but understands them not. At last, sir John Ramsay gave the earl of Gowrie ane dead straik; and then the earl leand him to his sword, and the deponent saw a man had him up, whom he knew not; and how soon the earl fell to the ground, Mr. Tho. Cranstoun, and the remanent who accompanied him, departed and passed down the turnpike. And the deponent remembers, that at that time, there were more persons in the chamber with the earl of Gowrie by Mr. Tho. Cranstoun, but knew nane of them, except that he believes that ane black man, that was there in company within the chamber, was Hugh Moncrief, brother to the laird of Moncrief; but the deponent knows not well, whether or not it was Hugh Moncrief. *Sic subscribitur,*

Sir Thomas Erskin.

Sir John Ramsay, of the age of 23 years, or thereby, sworn, depones, That immediately after he had dined, the day libelled, in the earl of Gowrie's house he took his majesty's haulk from John Murray, to the effect the said John might have dined: and the deponent missing his majesty, and forgathering with the laird of Pittencrief, in the earl of Gowrie's hall; and demanding of Pittencrief, where his majesty was? the said laird first convoyed the deponent to the chamber where the king dined, thereafter to the yaird, hoping that his majesty had been there: and missing his majesty in the yaird, convoyed the deponent up to ane fair gallery, where the deponent was never before; where having remained a certain space beholding the gallery, they came both down to the closs, where they met with Mr. Thomas Cranstoun in the midst of the closs, who said to them, that his majesty was away upon horseback, at the Inche: whereupon this deponent and Pittencrief sindered; and the deponent passed furth of the gate, to his stable, to have gotten his horse, and being standing at the stable door, he heard his majesty cry, knew his highness's voice, but understood not what he spake. Whereupon he comes immediately, within the closs, and finding ane turnpike-door open, he enters within the samen, and runs up the turnpike, while he comes to the door upon the head thereof; and hearing ane struggling and din of mens feet, he ran with his hail force at the door of the turnpike-head, which enters to the chamber at the end of the gallery; the deponent having in the mean time his haulk on his hand, and having dung open the door, he sees his majesty and Mr. Alex. Ruthven in others arms, striving and wrestling together, his majesty having Mr. Alexander's head under his arm, and Mr. Alexander being almost on his knees, had his hand upon his majesty's face and mouth: and his majesty seeing the deponent, cried, Fy! strike him laigh, because he has ane pyne doublet upon him. Whereupon the deponent cast the haulk from him, and drew his whinger, wherewith he strake the said Mr. Alexander; and immediately after he was striken, his majesty shot him down stairs whereat this deponent had entered. Thereafter, this deponent addresses himself to a window; and looking furth thereat, and saw sir Thomas Erskin, the deponent cried, sir Thomas come up this turnpike, even to the head. In this mean time, his majesty did put his foot upon the haulk-leash, and held her a lang time, while the deponent came and took her up again, and then sir Tho. Erskin entered. And in the rest depones conform to sir Thomas Erskin in all points; and further says, That when the deponent first entered within the chamber, he saw a man standing behind his majesty's back, whom he no ways knew, nor remembers what apparelling he had on; but after that this deponent had striken Mr. Alexander, he saw that man no more. *Sic subscribitur,*

Sir John Ramsay.

John Graham of Urquhill, sworn and examined, depones conform to the lord duke of Lenox and the earl of Mar in all things, *reddens eandem causam scientiæ;* adding, That this deponent the time that he was at dinner in the hall, with my lord duke and earl of Mar, he saw the king and Mr. Alex. Ruthven pass threw the hall up the turnpike, towards the gallery: and, as this deponent, John Hamilton, and others, were following, Mr. Alexander cried back, gentlemen, stay, for so it is his highness's will. *Sic subscribitur,*

John Graham, of Urquhill.

John Graham of Balgowne, of the age of 50 years, or thereby, married, depones, conform to the lord duke in all things: adding, that this deponent the day libelled, after the death of the earl of Gowrie and his brother, and hearing his majesty report, that Mr. Alexander pressed to have bound his highness's hands with a garter; this deponent found a garter at the cheek of the round door among the bent, and immediately thereafter this deponent presented the garter to his highness: and at the sight thereof, his majesty said, That the same was the garter wherewith Mr. Alexander pressed to have bound his hands; and then, sir Thomas Erskin gripped to the same garter, and said, That he would keep it, which he has yet in keeping. *Sic subscribitur,* John Graham of Balgowne.

I Mr. John Moncrief depones as follows, to wit, That day I was still present with my lord of Gowrie, unto the time I heard his majesty

cry, Treason! and saw him put his arm furth of the window of the room, and then left him: for I conceived in my heart it was plain treason, conspired against his majesty, and was induced hereto in respect of these presumptions following: first, I saw the king's majesty and umquhile Mr. Alex. Ruthven my lord's brother go furth at the hall-door their alanes; whereas his majesty had no weapons, and Mr. Alexander had a sword. Next, I saw his majesty come in a quiet and sober manner to the town, wherethrough appeared he would have no evil purpose in his mind. Item, He said, Mr. Alexander riding to Falkland in the morning, was obscured from me and my brother Hugh where he was; and I having enquired of my brother Hugh where he was riding to, he knew nothing thereof; so that neither he nor I could get trial of the same. Item, I having enquired at Andrew Henderson himself, who rode to Falkland, and returned two hours before him, saluted me and answered, That he had been two or three miles above the town; and says, the said Andrew had another doublet on, more than he used commonly, and was more bulksom; and, as appears, might have contained ane secret. Item, That day being the council-day of the town, my lord excused himself, in respect of his advice. Item, I having pressed him to subscribe ane confirmation of ane lady's, first refused, in respect aforesaid; always passed it thereafter. Item, my lord tarried longer from his dinner nor he used: and albeit Andrew Ruthven, who was with the master, came and rounded my lord at the board, he made him to misknow all things, unto the time that the said Mr. Alexander came himself, and then raise from the board, and met his majesty. Item, My lord obscured altogether, that he knew of the coming of any man, while the master came. Item, Mr. Thomas Cranstoun was the first that I heard cry, The king's majesty is away. Item, After my lord duke and my lord Mar, and his majesty's servants were in the close, my lord of Gowrie came back again to the hall, saying, The king was away: so that, as I thought, he would have each man thinking so. And I thought his majesty was not received with that hearty complements as became. Item, after his majesty's riding away, my brother Hugh came to my house, and I enquiring of him what he thought of thir matters; answered, Before God, so far as I can perceive, I trow, it shall kyth ane plain treason on my lord's part. And I speiring at him, if he knew any things thereof? answered, he knew nothing; but he and Henry Ruthven, after all things were ended, fell in conference thereanent, and he thought things were likely. Lastly, Andrew Henderson's letter moves me most of all. And, upon my salvation and condemnation, I know no farther in this matter; nor yet can remember of any other circumstance or presumption, might have induced me to conceive the former, which I apprehend, in manner foresaid. *Sic subscribitur*, Mr. John Moncrief.

I Andrew Roy, one of the baillies of the burgh of Perth, be thir presents testifies upon my conscience in the sight of God, as I shall answer to him in the great day, that upon the fifth day of August, one thousand and six hundred years, I being in the umquhile earl of Gowrie's lodging, when his majesty was there, saw his majesty, after his dinner, accompanied with the master of Gowrie rise from the table, and gang furth of the chamber where he had dined; but, to what place, I know not; being beholding the said umquhile earl of Gowrie's entertainment of the noblemen, in drinking his majesty's scoll to them; which his majesty, before his rising from the table, had commanded him to do. And after this, the lords, viz. my lord duke, my lord of Mar, my lord Lindores, and my lord of Inchechaffery, with sundry of his majesty's gentlemen and servants, accompanied with the earl of Gowrie in person; and short space after dinner, had missed his majesty, and enquired where he should be; they went to the fore-gate, and speired at the porter, if he saw the king go furth at the fore-gate? and heard the porter answer, That his majesty was not gone furth that way. Also, that the earl of Gowrie said to the porter, Ye lie, knave, he is furth; and the porter replied, that he should give his head, in case his majesty was furth.

Yet, upon the earl of Gowrie's assurance, that his majesty was furth to the Inche, the lords issued out in haste at the fore-gate, and speiring where the king was, I saw ane ding up the long front-window, in the north-side of the turret, upon the high-gate; but who dang it up, I know not. And farther, saw clearly his majesty shut furth his head and arm at the foresaid window, and heard his majesty crying loudly, Fy, treason! treason! and murder! help, earl of Mar! Whereupon, I being very agast, and wonderfully astonished, at that cruel and terrible sight, and pitiful and woful cry, I not knowing what the matter meant, but perceiving his majesty in extream and great danger, ran with all possible diligence thro' the streets, crying loudly, Fy, treason; treason against the king! for God's sake, all honest men, haste and relieve the king: and commanded to ring the common bell, that all might come in haste to his majesty's relief; and then I returned with all possible diligence, with a great number of the people with me, and came before the foresaid turret and window, where I saw his majesty first cry out; and then I cried out, How is the king? But my lord duke and my lord of Mar answered, The king is well, (praise be to God). Then I cried again up to his majesty, and shew his majesty, That the baillies and township were then come, in all haste, to supply and relieve his majesty: and therefore besought his majesty to command what was his majesty's will, and best to be done. And then his majesty beckoned furth his hand to me and to the people, commanding me to cause the people retire them to their lodgings. Which commandment I incontinent obeyed, and commanded all manner of men to retire themselves

to their lodgings; and likewise passed to the mercat-cross, and, by open proclamation commanded in his highness's name, that all men should retire them to their lodgings, under the pain of treason, who obeyed not incontinent after my charge. And this I testify to be of verity, by the faith and truth of my body, so far as I justly can remember. In witness of which, I have subscribed these presents, with my hand, at Perth, the 13th of October, 1600, before these Witnesses, Mr. Patrick Galiowah, minister to his majesty; James Drummond of Letchel; Oliver Young, Constantine Wallace, Thomas Johnston, Baillies; Henry Elder, Clerk; Robert Anderson, Andrew Mowat, and William Jack, Burgesses of Perth. *Sic subscribitur*, ANDREW ROY, Baillie, with my hand.—Mr. Patrick Gallowah; James Drummond; Oliver Young, Baillie; Thomas Johnstoun, Baillie; Robert Anderson; Andrew Arnolt; William Jack; Henry Elder, Scribe; Witnesses.

Robert Christie, porter to umquhile John earl of Gowrie, of the age of thirty years, *solutus*, depones, That he was porter to the earl of Gowrie, the fifth day of August libelled: sicklike he was by the space of five weeks before. And shortly after the dinner, this deponent saw my lord duke, the earl of Mar, the earl of Gowrie, come to the close: and my lord duke speird at this deponent, if his majesty was passed furth of the close? The deponent answered, that he was not furth. Then the lord of Mar said, Billy, tell me the verity, if his majesty be furth or not? And he answered, In truth he is not furth. The earl of Gowrie looking with an angry countenance, said, Thou lied, he is furth at the back-gate, and through the Inche. Then this deponent answered, That cannot be, my lord, for I have the key of the back-gate, and of all the gates of the place. Thereafter, this deponent heard and saw his majesty looking furth of the window of the round, and crying, Treason! Treason! fy, help, my lord of Mar! And incontinent, my lord duke, the earl of Mar, and others, ran up the stair of the turnpike to the gallery: and thereafter, the lord of Gowrie came from the high-street, within the close, having a steel-bonnet on his head, a drawn sword in his hand, accompanied with Alexander and Harry Ruthven, Patrick Eviot and Hugh Moncrief, Mr. Thomas Cranstoun; all having drawn swords in their hands, and passed all together with my lord, up the old turnpike; but what was done within the house and place thereafter, knows not, but by report: neither saw he any joist brought to the place, by any of the town. And knows no more of the matter. *Sic subscribitur*, ROBERT CHRISTIE.

Alexander Blair, younger of Balthyik, sworn and examined, depones, conform to *immediate præcedenti*; except, That he saw not my lord of Gowrie pass with his company, and drawn swords, up the turnpike: but saw Alexander and Harry Ruthven, and Hugh Moncrief, come down the little turnpike, where they and my lord had ascended; the saids three persons having drawn swords in their hands; but saw not Patrick Eviot there. And this deponent says, that after the tumult was risen, and this deponent pressing to enter within the place, he was a little staid by them in the place; but they yielded at once, and the deponent got entry. Likewise he saw a joist brought from the town, and set up at the wall of the close; but who brought the samen in, he knows not. *Sic subscribitur*, ALEXANDER BLAIR, appearand of Balthyik.

George Hay, prior of Charterhouse, of the age of twenty-eight years, or thereby, married; depones, conform to the lord duke of Lenox, in all things, after his majesty's entry in St. Johnstoun, the day libelled: adding, that samen day, the deponent having ado in St. Johnstoun with the earl of Gowrie, and speaking with him in his own place, he saw Andrew Henderson come in booted from Falkland, and heard the said earl of Gowrie enquire of the said Andrew, who was with his majesty in Falkland? And thereafter, the said earl took the said Andrew Henderson to the cabinet, and, after a certain space, the earl coming to the chamber, he gave this deponent his dispatch; saying, That he had to do that day, and might not await of his errand, and bade him come another day. *Sic subscribitur*, GEORGE HAY.

Mr. Peter Hay, of the age of thirty years, or thereby, married; depones, conform to George Hay in all things, the witness immediately preceding. *Sic subscribitur*, PETER HAY.

Robert Graham of Thorink, sworn and examined, depones, conform to the duke of Lenox, after that his majesty entered in Perth. *Sic subscribitur*, ROBERT GRAHAM.

Oliver Young, baillie in Perth, sworn and examined, depones, That the day libelled, this deponent was in the earl of Gowrie's lodging, where he saw the king dine; and after dinner, saw the king's majesty and Mr. Alexander Ruthven pass their allanes through the hall, and up the turnpike; and immediate thereafter, this deponent passed to his own lodging in the town, where he abode while the cry and tumult raise; and incontinent, this deponent running to the place whereat his majesty cryed out at the window; and commanded this deponent, by name, to stay the tumult of the people: the which, this deponent obeyed and did; and saw Hugh Moncrief, coming furth of the place; but his face being bloody, and Hary Ruthven, one of the defenders, at the mouth of the water-gate, with a drawn sword in his hand: and knows no more in the matter. *Sic subscribitur*, OLIVER YOUNG.

James Drummond of Picarnis, sworn and examined, depones, *conformis immediate præcedenti in omnibus*: adding that as the deponent, immediately after the cry raise, running

to the place libelled, he meets upon the high-street Alexander Ruthven one of the defenders, having a drawn sword in his hand, and crying fire and powder! And he knows no more of the matter. *Sic subscribitur*, James Drummond.

William Reynd, flesher in St. Johnstoun, of the age of thirty years, or thereby, married, depones. That he saw within the close of Perth, after fray raise, Patrick Eviot and Hugh Moncrief, both bloody, having drawn swords in their hands. *Sic subscribitur*, William Reynd.

Thomas ——— burgess of Perth, sworn and examined, deposed conform to James Drummond and William Reynd; but he saw not Patrick Eviot there. *Sic subscribitur*, Thomas ———

Geoorge Wilson, servant to James Erskin, of the age of 24 years, or thereby, *solutus*, depones, conform to sir Thomas Erskin in all things; by reason this deponent was in company with the said sir Thomas, after the first time, that he and James Erskin his brother had gripped the earl of Gowrie, and were sindered from him be his servants; and immediately thereafter, this deponent accompanied the said sir Thomas Erskin up to the turnpike, into the chamber where his majesty was, where he saw, as the said sir Thomas has deponed, in all things. *Sic subscribitur*, George Wilson.

David Reynd, flesher in Perth, sworn and examined, depones, conform to James Drummond, and heard Alexander Ruthven cry for powder, but saw not Patrick Eviot. *Sic subscribitur*, David Reynd.

Gilbert Hutchinson in Perth, of the age of 24 years, or thereby, *solutus*, depones, conform to James Drummond in all things, and David Reynd. *Sic subscribitur*, Gilbert Hutchinson.

John Murray of Arkuey, of the age of 58 years, or thereby, married, depones, the day libelled, this deponent came to St. Johnstoun after dinner, where he heard his majesty crying furth of the window of the round, Fy, Treason, my lord of Mar, help! immediately thereafter, my lord of Mar and the duke ran up the broad turnpike; and the deponer followed them in the close, where he saw the lord of Gowrie, having ane steel bonnet on his head, and two drawn swords, ane in ilk hand; and saw the said earl pass up the turnpike, accompanied with certain his servants, having drawn swords in their hands; of whom he knows none. *Sic subscribitur*, John Murray.

Thomas Burrell, burgess of Perth, sworn and examined, depones, conform to James Drummond, adding, That the time of the fray this deponent entring within the close of the place, he saw standing in the close, with drawn swords in their hands, Alexander and Harrie Ruthvens, and Hugh Moncrief blooding in his face; and, at the same time, this deponent saw Mr. Thomas Cranstoun come down the black turnpike, and he took forth of his hand his sword; and heard the said Alexander Ruthven cry for fire and powder; and saw not Patrick Eviot there. *Sic subscribitur*, Thomas Burrell.

Alexander Forrest, tailor in Perth, of the age of 40 years, or thereby, married, depones, the day libelled, he saw George Craigingelt, and Walter Crookshank, a laquey, standing in the yeard with drawn swords. *Sic subscribitur*, Alexander Forrest.

William Robertson, notar in Perth, of the age of 34 years, or thereby, married, depones, the day libelled, this deponent being within the close of the place, he saw the lord of Gowrie standing in the close accompanied with seven or eight persons, of whom he knew none; the said earl then having ane steel bonnet on his head, and ane drawn sword in ilk hand; at the whilk sight this deponent being afraid, past furth of the place, and knows no more in the matter. *Sic subscribitur*, William Robertson.

Robert Calbraith, servant to the king's majesty, of the age of 30 years, depones, conform to the lord duke of Lenox in all things, by reason this deponent, all that day, was in compay with his majesty, and after that his majesty had cried out at the window, Treason! this deponent followed the duke and earl of Mar up the turnpike, and depones, as they have deponed. *Sic subscribitur*, Robert Calbraith.

Robert Brown, servant to his majesty, depones, conform *immediate præcedenti in omnibus*, because this deponent, the time libelled, accompanied sir John Hamilton to fetch the hammers up to the gallery; and this deponent passed up the little black turnpike, and, at his first entry within the chamber, he saw the earl of Gowrie lying dead; there being at that time in company with his majesty, sir Tho. Erskine, sir Hugh Herries, sir John Ramsay, and George Wilson. *Sic subscribitur*, Robert Brown.

James Bog, porter to his majesty, sworn and examined, depones, That he saw the king's majesty and Mr. Alex. Ruthven pass through the hall, and saw that day, George Craigingelt with ane drawn sword in his hand, accompanied with certain rascals; and, in others, depones, conform to the lord duke and earl of Mar in all things. *Sic subscribitur*, James Bog.

John Bog, servant to his majesty in the ale-cellar, sworn and examined, depones, conform to James Bog. *Sic subscribitur*, John Bog.

Alexander Peebles, burgess of Perth, of the age of thirty years, or thereby, married, depones, the day libelled, this deponent being within his own house foranent the earl of Gowrie's lodging; how soon his mother heard the common bell ring, she locked the door, and held him in all the time; and saw at that time, the earl of Gowrie enter in at the gate with two drawn swords, ane in ilk hand, and ane lacquey put ane steel-bonnet one his head; and, ane certain space thereafter, the deponent saw Hugh Moncrief come furth of the place

with ane bloody head, and Patrick Eviot's man likewise blooding; and also saw Patrick Eviot come furth of the hall; but remembers not if he had ane sword in his hand: and saw also Alexander Ruthven come furth with one sword drawn in his hand. *Sic subscribitur* Alexander Peebles.

The Sentence *and* Doom *pronounced by the Lords and Estates of Parliament for High-Treason, against John Earl of Gowrie, and his brother Mr. Alexander Ruthven.*

To repeat the Libel and Executions, or the Libels verbatim, would be uselessly tedious to Readers; therefore I insert the Doom or Sentence verbatim, pronounced on the 15th of Nov. 1600.

'The saids Lords and Estates of Parliament finds, decerns and declares, that the said 'umquhil John earl of Gowrie, and Mr. Alexander Ruthven his brother, committed and 'did open and manifest Treason against our 'said sovereign lord, in all points, articles 'and matter contained in the said summons: 'and therefore it was given for Doom, by the 'mouth of David Lindsay dempster of parliament, in manner and form as follows:

'This court of parliament showes for law, 'that the said umquhil John earl of Gowrie, 'and umquhil Mr. Alexander Ruthven his 'brother, committed the foresaid crime of 'Treason and Lese-majesty in their life-times, 'against our sovereign lord and his authority 'royal, in manner at length contained in the 'said summons: and therefore decerns and 'declares the name, memory and dignity of 'the said umquhil John earl of Gowrie, and 'umquhil Mr. Alex. Ruthven his brother, to 'be extinguished, and their arms to be cancell'd and deleted furth of the books of arms 'and nobility; so that their posterity shall be 'unhabile, and uncapable in all time coming to 'bruik, possess or enjoy any offices, dignities, 'honours, successions, possessions, and all 'goods, moveables and immoveables, rights, 'titles, hope of succession, and others whatsomever within this realm; and all goods, 'lands, rents, offices, benefits, honours, dignities, hope and appearance of succession, 'rights, titles, possessions, and other goods and 'gear, moveable and immoveable, and to theirs 'whatsomever, whilk is any ways pertain'd to 'the said umquhil John earl of Gowrie, and 'umquhil Mr. Alex. Ruthven his brother; or 'whilk is by any right, title, hope of succession, 'possession, or any other manner of way might 'have belong'd or pertain'd to them, to be confiscated, devolved in our sovereign lord, and 'to appertain to his highness: and in all time 'coming, remain in property with his majesty 'for ever. And farder, his majesty and estates 'foresaid, in detestation of the said horrible, 'unnatural and vile treason, attempted by the 'said umquhil John, some time earl of Gowrie, 'and umquhil Mr. Alex. Ruthven, against his 'highness's own life; decerns, statutes and 'ordains, that the said bodies of the saids traitors shall be carried, upon Monday next, to 'the publick cross of Edinburgh; and there to 'be hang'd, quarter'd, and drawn, in presence 'of the hail people: and thereafter, the heads, 'quarters and carcasses, to be affix'd upon the 'most patent parts and places of the burroughs 'of Edinburgh, Perth, Dundee and Stirling. 'And this I give for doom.'

Besides the personal Sentence given against the earl of Gowrie, this Parliament did, by distinct Acts, disinherit and inhabilitate the brethren, and all the posterity of the earl of Gowrie, from enjoying any heritage, place or office within Scotland; and discharging all persons whatsoever to move or intercede for them, under high pains.—By another Act, the surname of Ruthven is appointed to be extinguish'd and abolish'd for ever; and such of them as were innocent of this Treason, were ordered to take other names, and to be inserted in publick Records.—By another Act, the 5th of August was appointed to be observed for thanksgiving, annually, and in all time coming, for the king's deliverance from the said Treason.*—By another Act, the lands and estate of Ruthven were annexed to the patrimony of the crown. And, by several other particular acts, sir Thomas Erskin, (afterwards earl of

* For observations on this new Holiday, see Rapin (oct. edit.) vol. ix. p. 251.—Lord Chancellor Bacon in his Letter to the Marquis of Buckingham, dated Aug. 5, 1618, (See his Works, vol. iv. page 670) says, "I am here rejoicing with my neighbours the townsmen of St. Albans for this Happy Day."

Mr. Stephens in his Note on that passage in Lord Bacon's Letter, says, "The 5th of August being the Anniversary of the king's deliverance from the earl of Gowrie's Conspiracy, was by some call'd the Court Holy-Day, and ridicul'd as a fiction, though the truth thereof being deliver'd down by archbishop Spotiswood, and other good Historians, I see no great reason to call it into question."

"In the Parliament which condemned John earl of Gowrie, and his brother Mr. Alexander in the year 1600, let it be considered, that a great part of the nobility, and many of the gentry, which did sit in that parliament, were descended of Gowrie's family, and nearly allied to it. As also the lords of the Articles, who did examine the Witnesses and Evidences, several were of near relation to the Panel, particularly Lenox and Levingston; and the barons and burgesses being elected members, not by the king and court, but by the barons and burroughs, and two bishops and four abbots, church-men, being also of that number; what ground remains for doubting their impartiality and veracity, in making a report of what was asserted and sworn so publickly by the witnesses? And all the Depositions, and written Evidences, being then recorded, do yet remain in *publica custodia*." Earl Cromerty's Account of the Conspiracies of the earls of Gowrie, page 13.

Kelly,) sir John Ramsay, and sir Hugh Herries, and some others, who did most immediately preserve the king's person, had benefices and other favours conferr'd upon them in parliament.

The Sentence *and* Doom *pronounced by the Lords and Estates of Parliament, for High Treason, against Alexander and Harry Ruthvens, Hugh Moncreif and Patrick Eviot; who were actors in the same crime, and judged by the same Parliament, on the 15th day of November* 1600.

'The saids Lords and Estates of Parliament, 'finds, decerns, and declares, that the saids 'Alexander and Harry Ruthven, Hugh Mon-'creif, and Patrick Eviot, and ilk ane of them, 'committed, and did open and manifest trea-'son against our sovereign lord in all points, 'articles, and manner contained in the said 'summons; and therefore it was given for 'doom by the mouth of David Lindsay, demp-'ster of parliament, in manner and form as 'follows:

'This court of parliament shows for law, 'that the saids Alexander Ruthven, Harry 'Ruthven his brother, sons lawful to umquhil 'Alexander Ruthven of Freeland; Hugh Mon-'creif, brother to William Moncreif of that 'ilk; and Patrick Eviot, brother to Colin 'Eviot of Balbousie; committed the crimes of 'Treason and Lese-majesty against our sove-'reign lord and his authority royal, in manner 'at length contain'd in the said summons: and 'therefore decerns and declares their persons, 'to underly the pains of Treason and Lese-'majesty, and last punishment prescrib'd by 'the laws of this realm; and all their goods, 'moveable and immoveable, as well heritages 'as offices, benefices, and others whatsomever 'pertaining to them, or whilk is, might any 'ways belong, or appertain to them, to be 'confiscated to his majesty, and to remain with 'his highness in property for ever; and their 'posterity to be now, and in all time coming, 'uncapable and unhabil to bruik and possess 'within this realm, any honours, dignities, 'offices, benefices, successions, or other goods 'or gear, moveable or immoveable. And this 'I give for Doom.'

Gowrie's Conspiracie: A Discovrse of the vnnatvrall and vyle Conspiracie, attempted against the King's Maiesties Person, at Sanct-Johnstovn, vpon Twysday the fifth of August, 1660. Edinbvrgh, printed, 1660, Cvm Privilegio Regio.

[*From the Somers' Tracts, 4 Coll. vol. 1. p. 213.*]

[This is one of the earliest Accounts of this remarkable Conspiracy, and therefore deserves to be reprinted, not only as it is very rarely to be found, but as it is very clear and elegant, with regard to the dialect in which it is written. In the language, though some passages may appear uncouth, no alteration has been made; both because we would not depart from the fidelity that we promised, nor, by changing expressions, give reason to suspect, that we take the same liberty with facts; and because the language may be, to some, no less an object of curiosity, than the events to others.]

His majestie having his residence at Falkland, and being daily at the buck-hunting, as his vse is in that season, vpon the fifth day of August, being Twysday, hee raid out to the park, betwixt six and seuen hours in the morning, the weather beeing wonderfull pleasant and seasonable. But, before his maiestie could leap on horse-back, his hienes being now come downe by the equerie, all the huntis-men with the houndes attending his maiestie on the greene, and the court making to their horses, as his hienes self was; maister Alexander Ruthven, second brother to the late earle of Gowrie, being then lighted in the toun of Falkland, haisted him fast downe to ouer-take his maiestie before his on-leaping, as he did: Where meeting his hienes, after a verie low courtesie, bowing his head vnder his maiesties knee (although he was neuer wont to make so low courtesy) drawing his maiestie a-part, he beginnes to discourse vnto him, but with a verie dejected countenance, his eies euer fixed vppon the earth, how that it chanced him the euening before to be walking abroad about the fields, taking the air, solitarie allone, without the toun of Sanct Iohnstoun, wher his present dwelling was with the lord his brother; and there by accident affirmed to haue recountred a base like fellow, vnknowne to him, with a cloke cast about his mouth; whome at as he enquyred his name, and what his erand was, to be passing in so solitary a part, being from all waies. The fellow become at the suddain so amased, and his tongue so faultered in his mouth, that, vppon his suspitious behauiour, he begouth more narrowly to look vnto him, and examine him; and, perceauing that there appeared some thing to bee hid vnder his cloke, he did cast by the lappes of it, and so findes a great wyde pot to be vnder his arme, all full of coyned gold in great peeces. Assuring his maiestie, that it was in verie great quaintitie: Vpon the sight whereof, as hee affirmed, he took back the fellow with his burthen to the toun; where he privatly, without the knowledge of any liuing, took the fellow, and band him in a privie derned house, and, after lokking many durres vppon him, left him there, and his pot with him, and had haisted himself out of Sanct-Iohnstoun that day, by four houres in the morning, to make his maiestie aduertised thereof, according to his bound dutie: Earnestlie requesting his maiestie, with

all diligence and secrecie, that his maiestie might take order therewith, before anie knew thereof; swearing and protesting, that he had yet concealed it from all liuing, yea, from the earle his owne brother.

His maiesties first answere was (after thanking him for his good-will) That it could not become his maiestie to meddle any wayes in that matter, since no mans treasure, that is a free and lawfull subiect, can by the lawe appertaine vnto the king, except it bee found hid vnder the earth, as this was not. Whereunto he answered, That the fellow confessed vnto him, that he was going to haue hid it vnder the ground, but could not take leasure at that time to enquyre any further of him. Whereunto his maiestie replyed, That there was great difference betwixt a deed, and the intention of a deed; his intention to have hid it not beeing alyke as if it had beene found alreadie hid. Maister Alexander's answer was, That hee thought his maiestie over scrupulous in such a matter, tending so greatly to his maiesties profite: and that, if his maiesty deferred to meddle with it, it might bee, that the lord his brother, and other great men, might meddle with it, and make his maiestie the more a-doe: Whereupon the king, beginning to suspect that it had been some forraine gold, brought home by some Iesuites, or practising Papists, therewith to sturre vp some newe sedition, as they have oftentimes done before, inquyred of the said M. Alexander, What kinde of coine it was, and what a fellow hee was that carried it? His answere was, That, so far as hee could take leasure to see of them, they seemed to bee forraine and vncouth strokes of coine; and, although that the fellow, both by his language and fashion, seemed to bee a Scots fellow, yet hee could neuer remember, that hee had seene him before. These speaches increased his maiesties suspition, that it was forraine coyne, brought in by some practising Papists, and to bee distributed into the countrie, as is before said. And that the fellowe, that carried it, was some Scots priest or seminarie, so disguised for the more sure transporting thereof. Whereupon his maiestie resolved, that he would send backe with the said Maister Alexander a seruand of his own, with a warrant to the prouost and baillies of Sanct-Iohnstoun, to receaue both the fellow and the money off maister Alexander's hand, and after they had examined the fellow, to retaine him and the treasure, till his maiesties further pleasure were knowne: Whereat the said maister Alexander sturred meruelouslie, affirming and protesting, that if either the lord his brother, or the baillies of the toun were put on the counsal thereof, his maiestie would get a verie bad compt of that treasure; swearing, that the great loue and affection, he bare vnto his maiestie, had made him to preferre his maiestie, in this cace, both to himself and his brother. For the which seruice he humblie craued that recompence, that his maiesty would take the paines once to ryde thither, that he might bee the first seear thereof himself; which beeing done, he woulde remit to his maiesties owne honorable discretion, how far it would please his maiestie to considder vpon him for his service. His hienes being stricken in great admiration, both of the vncouthnes of the tale, and of the strange and stupide behauiour of the reporter; and the court being alreadie horsed, wondering at his maiesties so long stay with that gentleman, the morning being so fair, the game alreadie found, and the huntismen so long staying on the fields, on his maiestie, he was forced to breake off onlie with these words: That hee could not nowe staye any longer from his sporte, but that hee would considder of the matter, and, at the end of his chase, giue him a resolute answere, what order he would take therein. Wherupon his maiesty parted in haste from him towardes the place where the game was. Maister Alexander parting from his maiestie verie miscontent, that indelaiedlie he raid not to Sanct-Iohnstoun, as he desired him; protesting, that his maiestie would not finde euerie day such a choise of hunting, as he had offered vnto him; and that hee feared, that his maiesties long delay, and slowness of resolution, would breed leasure to the fellow, who was lying bound, to cry, or make such din, as would disappoint the secrecie of that haif purpose, and make both the fellow and the treasure to be medled with, before any word could come from his maiestie: As also, that his brother would misse him, in respect of his absence that morning; which if his maiestie had pleased to haste, he might haue preuented, arryuing there in the tyme of his brothers and the whole townes being at the sermon; whereby his maiestie might haue taken such secrete order with that matter, as hee pleased, before their outcomming from the church. But, his maiestie, without anie further answering of him, leaping on horse-back, and ryding to the dogs, where they were beginning to hunt, the said maister Alexander stayed still in that place wher hee left his maiestie; and, hauing two men with him appointed by the late earle his brother, to carrie back vnto him the certaine newes, in al haist, of his maiesties comming, as heerafter more particularlie shall in this same discourse bé declared, hee directed one of them, called Andrew Henderson, chalmerlane to the said earle, to ryde in all haste to the earle; commanding him, as hee loued his brothers honour, that hee shoulde not spare for spilling of his horse; and that hee should aduertise the earle, that hee hoped to moue his maiestie to come thither, and that hee should not yet looke for him, the space of three houres thereafter, because of his maiesties hunting, adding these words: Pray my lord my brother to prepare the denner for vs.

But his maiestie was no sooner ridden vp to a little hil aboue the little woode, wher the dogs were laid on in hunting, but that, notwithstanding the pleasant beginning of the chase, hee could not stay from musing and wondering vpon the newes. Whereupon, without making

anie bodie acquainted with this purpose, finding John Nesmith, chirurgian, by chance ryding beside him, his maiestie directed him back to bring maister Alexander with him; who being brought vnto his maiestie, and hauing newlie directed, as said is, one of his men, that was with him, back to my lord his brother, his maiestie, vnknowing or suspecting that any man liuing had come with him, then tolde him, that hee had bene aduysing with himself, and, in respect of his last wordes so earnest with him, hee resolued to ryde thither for that erand in his own person, how soone the chace was ended, which was alreadie begun; lyke as his maiesty, vppon the verie ending of these words, did ryde away in the chase, the said maister Alexander euer following him at his back; no other liuing being with his hienesse, but hee, and Iohn Hammilton of Grange, one of his maiesties maister-stablers, the reste of the court being all before in the chase, his maiestie onlie being casten back, vpon the staying to speak with maister Alexander, as is before said. The chase lasted from seuen houres in the morning, vntil alleuen and more, being one of the greatest and sorest chases, that euer his maiestie was at: All which tyme, the said maister Alexander was, for the most part, euer at his maiesties back, as said is. But there neuer was anie stop in the chase, or so small a delay, that the said maister Alexander omitted to round to his maiestie, earnestly requesting him to haist the end of the hunting, that he might ryde the sooner to Sanct-Iohnstoun: So as, at the death of the buck, his maiestie, not staying vppon the curie of the deir, as his vse is, scarcelie took time to alight, awaiting vppon the comming of a fresh horse to ryde on, the greatnesse of the chase hauing wearied his horse. But the said maister Alexander would not suffer the king to stay in the parke, where the buck was killed, whil his fresh horse, which was alredy sent for, was brought out of the equery to him, although it was not two flight shot of bounds betwixt the part, where the buck was killed, and his maiesties equerie; but, with verie importunitie, forced his maiestie to leap on againe vpon that same horse, that hee had hunted all the day vppon, his freshe horse beeing made to gallop a myle of the way to ouertake him; his maiestie not staying so much as vppon his sword, nor whil the duke and the earle of Mar, with diuerse gentlemen of his companie, had changed their horses: onlie saying vnto them, that hee was to ryde to Sanct-Iohnstoun to speak with the earle of Gowry, and that hee would bee presently back againe before euen. Whereupon, some of the court galloped backe to Falkland, als fast as they could, to change their horses, and could not ouertake his maiestie, whill he come within four myle of Sanct-Iohnstoun. Others raid forward with their horses, weried as they were, whereof some were compelled to alight by the way; and, if they had not both refreshed their horses, bled them, and giuen them some grasse by the way, they had not carried them to Sanct-Iohnstoun. The cause of his maiesties seruands following so fast, vndesired by him, being onlie grounded vpon a suspition they had conceaued, that his maiesties intention of ryding was for the apprehension of the maister of Oliphant, one who had latelie done a vyle and proud oppression in Angus; for repairing of the which, they thoght, that his maiestie had some purpose for his apprehension. But the said maister Alexander, seeing the duke and the earle of Mar, with diuers other of the court, getting fresh horses for following of his maiestie, earnestlie desired him, that hee would publish to his whole traine, that, since he was to returne the same euening, as is before said, they needed not to follow him; especiallie, that he thought it meetest, that his maiestie should stay the duke and the earl of Mar to follow him, and that he should onlie take three or four of his owne meane seruands with him; affirming, that, if anie noble man followed him, hee could not answere for it, but that they would marre that whole purpose. Wherupon his maiestie, half angerlie, replied, That he would not mistrust the duke, nor the earle of Mar, in a greater purpose nor that; and that hee could not vnderstand, what hinder anie man could make in that erand. But these last speeches of M. Alexanders maid the king to begin to suspecte what it could meane; whereyppon manie diuerse thoughts begouth to enter in the kings minde. But that his maiestie could neuer suspect anie harm to be intended against his hienes, by that young gentleman, with whome his maiestie had bene so well acquainted, as hee had, not long before, beene in sute to be one of the gentlemen of his chalmer: So as the farthest, that the kings suspition could reache to, was, that it might bee, that the earle his brother had handled him so hardlie, that the young gentleman, being af a hie spirit, had taken such displeasure, as he was become somewhat by himself, which his maiestie coniectured aswell by his raised and vncouth stairing, and continuall pensiuenesse, all the time of the hunting, as likewise by such strange sort of vnlykelie discourses, as is alreadie mentioned. Wherupon, his maiestie took occasion to make the duke of Lennox acquainted with the whol purpose, enquyring of him verie earnestlie, What he knew of that young gentlemans nature, beeing his brother in law? And, If he had euer perceiued him to be subiect to any high apprehension? His maiestie declaring his suspition plainelie to the said lord duke, that hee thought him not well setled in his wits; alwaies desiring my lord duke not to faile to accompanie him in to that house, where the alledged fellow and treasure was. The lord duke wondered much at that purpose, and thought it verie vnlikelie; yet he affirmed, that he could never perceaue any such appearance in that gentleman's inclination. But master Alexander, perceyuing his maiesties priuie conference with the duke, and suspecting the purpose, as it appeared, came to the king, requesting his majestie verie earnestlie, that he

shoulde make none liuing acquainted with that purpose, nor suffer none to go with his maiesty, where he should conuoy him, but himselfe onlie, vntill his maiestie had once seene the fellowe and the treasure: whereunto his majestie half-laughing, gave answere, that he was no good teller of money, and behooved therefore to haue some to helpe him in that erand. His replye was, that hee woulde suffer none to see it, but his majesties selfe, at the first; but, afterward, hee might call in whom hee pleased. These speeches did so encrease his majesties suspition, that then he begouth directly to suspect some treasonable devise; yet manie suspitions and thoughts ouerwhelming euery one an other in his minde, his majestie coulde resolue upon no certaine thing, but raid further on his journey, betwixt trust and distrust, being ashamed to seeme to suspect in respect of the cleannesse of his majesties owne conscience, except he had found some greater ground. The said maister Alexander still preasing the king to ride faster, although his owne horse was scarcelie able to keep companie with the king, for wearinesse, hauing riden with him, all the chase before. But, as the king was come two miles from Falkland, the said maister Alexander stayed a little behind the king in his way, and posted away the other seraund, Andrew Kuthven, to the earle his brother, aduertising him, howe farre the king was on his waye to come thither. Then, how soon soeuer the king come within a myle to the toun of Sanct-Iohnston, he said to his majesty, that he would poste in before, to aduertise the earle his brother of his maiesties comming; who at his incomming to him, was sitting at the middes of his denner, neuer seeming to take knowledge of the king's comming, whill his brother told it him, notwithstanding of his two servands aduertising him thereof before; and, immediatlie vppon his brothers reporte, rysing in haste from the borde, and warning al the seruands and friendes to accompanie him to meete his majesty, met him, to the number of three or four score, at the end of the Insh, his majesties whole companie and traine not exceeding the nomber of sixteene persons, and al without any kinde of armour, except swords; no, not so much as daggers, or whingears. His maiestie stayed an houre, after his comming to the said earles lodging, in Sanct-Iohnstoun, before his denner come in: the longsomnesse of the preparing of the same, and badnesse of the cheare, beeing excused, vppon the sodainty of his maiesties comming vnlooked for there. During the which tyme, his maiestie enquyred of maister Alexander, when it was tyme to him to goe to that priuate house, for that erand, whereof he had informed him? Whose answere was, that al was sure enough, but that there was no haste yet, for an houre, whill his maiesty had dyned at leisure; praying his maiesty to leaue him, and not to be seen to round with him before his brother, who hauing missed him that morning, might thereupon suspect, what the matter could mean: therefore his maiestie addressed him to the earle, and discoursed with him vpon sundrie purposes, but could get no direct answere of him, but halfe-wordes, and imperfect sentences. His maiestie beeing set down to the denner, the said earle stood very pensiue, and with a dejected countenaunce, at the end of his maiesties table, oft rounding ouer his shoulder, whiles to one of his seruands, and whiles to another; and oftentims went out and in to the chamber: which forme of behauiour he likewise kept before his maiesties sitting downe to denner, but without any welcomming of his maiestie, or anie other liartlie forme of entertainement; the noblemen and gentlemen of the court, that was with his majesty, standing about the table, and not desired to dyne, as vse is, when his maiestie is once set down, and his first seruice brought vp, vntil the king's maiestie had almost dyned. At the which time, the earle conuoyed them forth to their dinner, but sate not downe with them himselfe, as the common forme is, but come back, and stood silent at the end of the kings table, as of before; which his maiestie perceauing did begin to entertaine the earle in an homelie manner, wondering that hee had not remained to dine with his guests, and entertaine them there. In the meane tyme, his maiesty being ready to rise from the table, and his whole seruants beeing in the hal at their dinner, the said maister Alexander, standing behinde his maiesties backe, pulled quietlie vppon him, rounding in his maiesties eare, that it was tyme to goe, but that hee woulde haue faine bene quite of the earle his brother, wishing the king to send him out to the hall to entertaine his guests: wherupon the king called for a drinke, and in a merrie and homelie manner, said to the earle, that, although the earle had seen the fashion of entertainement in other countries, yet hee would teach him the Scottishe fashion, seeing hee was a Scottish man; and therefore, since hee had forgot to drink to his majestie, or to sit with his guests, and entertaine them, his majestie would drink to him his owne welcome, desiring him to take it foorth and drinke to the rest of the company, and in his maiesties name, to make them welcome. Wherupon, as he went foorth, his maiestie did rise from the table, and desired M. Alexander to bring sir Thomas Erskine with him; who, desiring the king to go forward with him, and promising that he should make anie one or two follow him, that he pleased to cal for, desired his maiesty to command publikly, that none should follow him. And thus the king, accompanied onelie with the said maister Alexander, commes forth of the chamber, passes through the end of the hal, where the noble men and his maiesties seruants were sitting at their dinner, vp a turne-pyke, and through three or four high chambers, the said maister Alexander ever lokking behinde him euery dore as he past, and then, with a more smyling countenance nor he had all the day before, euer saying he had him sure and safe enough kept; until at last his maiestie passing through three or four sondrie houses, and all

the dores lokked behind him, his maiestie entered into a little studie, where his maiestie did see standing, with a verie abased countenance, not a bound-man, but a free man, with a dagger at his girdle. But his maiestie had no sooner entered into that little studie, and maister Alexander with him, but maister Alexander lokked to the studie dore behind him, and at that instant changing his countenance, putting his hat on his head, and drawing the dagger from that other mans girdle, held the point of it to the kings breast, avowing now, that the king behoued to be in his will, and vsed as he list: swearing manie bloody othes, that, if the king cried one word, or opened a windoe to look out, that dagger should presently go to his hart; affirming, that hee was sure, that now the kings conscience was burdened for the murthering of his father. His maiestie, wondering at so suddaine an alteration, and standing naked, without any kynde of armour but his hunting horne, which hee had not gotten leisure to lay from him, betwixt these two traitors, which had conspired his life, the saide maister Alexander standing, as saide his, with a drawne dagger in his hand, and his sword at his side, but the other trembling and quaiking, rather like ane condemned man, then an executioner of such an enterpryse; his maiesty begouth then to dilate to the saide maister Alexander, howe horrible a thing it was to him to meddle with his maiesties innocent blood; assuring him it would not be left vnreuenged, since God had giuen him children and good subiectes; and if there were no more, God would raise vp stocks and stones to punish so vyle a deed. Protesting before God, that hee had no burthen in his conscience, for the execution of his father, both in respect that, at the tyme of his fathers execution, his maiestie was but a minor of age, and guyded at that time by a faction, which ouer-ruled both his maiestie, and the rest of the country; as also, that, whatsoeuer was done to his father, it was done by the ordinar course of law and iustice. Appealing the saide maister Alexander vppon his conscience, how well he, at al tymes since, had deserued at the hands of al his race: not only hauing restored them to al their landes and dignities, but also in nourishing and vphringing of two or three of his sisters, as it were, in his own bosome, by a continual attendance vppon his maiesties dearest bed-fellow in her privy chamber. Laying also before him the terrors of his conscience, especially that he made profession, according to his education, of the same religion which his maiestie has euer professed: and namelie his maiestie remembred him of that holie man, M. Robert Rollock, whose scholler he was, assuring him, that one day the said M. Roberts soule would accuse him, that hee had neuer learned of him to practise such vnnaturall crueltie. His maiestie promising to him, in the worde of a prince, that, if hee would spare his life, and suffer him to go out againe, hee should neuer reueale to any flesh liuing what was betwixt them at that tyme, nor suffer him to incur anie harm or punishment for the same. But his maiesties feare was, that hee could hope for no spairing at his hand, hauing such cruelty in his lookes, and standing so irreuerently, couered with his hat on; whiche forme of rigorous behauiour could prognosticat no thing to his maiestie, but present extremitie. But, at his maiesties perswasiue language, he appeareth to bee somewhat amased; and discouering his head againe, swore and protested, that his maiesties lyfe should be safe, if hee would behaue himselfe quyetlie, without making noyes, or crying; and that he would onlie bring in the earle his brother, to speak with his maiestie: wherupon, his maiestie enquyring, what the earle would do with him, since (if his maiesties life was safe, according to promise) they could gaine little in keeping such a prisoner? His answere, onlie was, that hee could tel his maiestie no more, but that his lyfe would bee safe, in cace hee behaued him self quietlie; the rest the earle his brother, whome hee was going for, would tel his maiestie, at his comming. And with that, as hee was going forth for his brother, as hee affirmed, hee turned him about to the other man, saying these wordes vnto him: I make you heere the kings keeper, vntill I come back againe, and look that ye keep him vppon your owne perill: and therewithall sayes to his maiestie, ye must content your selfe to haue this man nowe your keeper vntill my back-comming. And with these words he passes foorth, lokking the dore behinde him, and leauing his maiestie with that man he fand there before him. At whome his maiestie then enquyred, if he was appointed to be the murtherer of him at that tyme? And how far he was vppon the counsell of that conspiracie? Whose answere, with a trembling, and astonished voice and behauiour, was: that, as the Lord should judge him, hee was neuer made acquainted with that purpose, but that hee was put in ther perforce, and the dore lokked behinde him, a little space before his maiesties comming; as indeede, al the time of the said maister Alexanders menassing his maiestie, he was ever tremblinglie requesting him for God's sake, and with manie other attestations, not to meddle with his maiestie, or to do him anie harme. But, because maister Alexander had, before his forth-going, made the king to sweare, that he should not cry, nor open anie of the windoes, his maiestie commanded the saide fellow to open the windoe with his hand? which he readelie did; so that, although hee was put in there to vse violence ouer the king, yet God so turned his hart at that time, as hee become a slaue to his prisoner. While his maiestie was in this dangerous estate, and none of his owne seruants nor traine knowing in what part of the worlde he was in, as his maiesties traine was arysing in the hal from their dinner, the earle of Gowry being present with them, one of the earle of Gowries seruants commes hastelie in, assuring the earle his maister, that his maiesty was horsed and away through the Inshe; which the earle reporting

to the noblemen, and the rest of his maiesties traine that were there, they al rushe out together at the gate in great haste; and, some of his maiesties seruants enquyring at the porter, when his maiestie went forth? The porter affirmed that the king was not yet forth. Wherupon the said earle looked verie angerlie vpon him, and saide he was but a liear; yet, turning him to the duke and to the earle of Mar, said, hee should presentlie get them sure word where his maiestie was. And with that ran throgh the close, and vp the staire. But his purpose indeede was to speak with his brother, as appeared verie well by the circumstance of the tyme, his brother hauing at the same instant left the king in the little studie, and ran down the staire in great haste. Immediatly therafter the earle commeth back, running againe to the gate wher the noblemen and the rest were standing in a mase, assuring them that the king was out long since at the back-gate, and if they hasted not them al the sooner, they would not get him ouertaken, and with that cried for his horse: whereupon they rushe altogether out at the gate, and makes towardes the Inshe, crying al for their horses; passing al (as it was the prouidence of God) vnder one of the windoes of that studie, wherein his maiestie was. To whome maister Alexander verie spedelie returned, and, at his incomming to his maiestie, casting his hands abroade in a desperate manner, saide, hee could not mend it, his maiestie behoued to die; and with that offered a garter to bind his maiesties hands, with swearing he behoued to be bound. His maiestie at that word of binding said, hee was born a free king, and should die a free king. Wherupon hee gripping his maiestie by the wrist of the hand to haue bound him, his maiestie releeued him selfe suddainlie of his grips; whereupon, as he put his right hand to his sworde, his maiestie, with his right hand, seazed vppon both his hand and his sworde, and with his left hand clasped him by the throat, like as hee with his left hand clasped the king by the throat, with two or three of his fingers in his maiesties mouth, to haue staid him from crying. In this forme of wrestling, his maiestie, perforce, drewe him to the windoe, which hee had caused the other man before to open vnto him, and vnder the which was passing by at the same tyme the kings traine, and the earle of Gowrie with them, as saide is; and, holding out the right side of his head and right elbowe, cried, that they were murthering him there in that treasonable forme; whose voice being instantly heard and knowne by the duke of Lennox, and the earle of Mar, and the rest of his maiesties traine there, but the saide earle of Gowrie euer asking what it meant, and neuer seeming anie wayes to haue seen his maiestie or heard his voice, they all rushed in at the gate together, the duke and the earl of Mar running about to come by that passage his maiestie come in at, but the earle of Gowrie and his seruants made them for another way vp a quyet turn-pyke, which was euer condemned before, and was onlie then left open, as appeared for that purpose. And in this mean time his maiestie, with strugeling and wrestling with the saide maister Alexander, had brought him out perforce out out of that study, the dore wherof, for haste, he had left open at his last incomming, and his maiestie having gotten with long strugling the said maister Alexanders head vnder his arme, and him selfe on his knees, his maiestie did driue him backe perforce, hard to the dore of the same turn-pyke; and as his maiestie was throwing his sworde out of his hand, thinking to have striken him therewith, and then to have shotte him ouer the stair, the other fellow standing behinde the kings backe, doing nothing but trembling all the tyme; sir Iohn Ramsay, not knowing what way first to enter, after he had heard the king's cry, by chance finds that turn-pyke dore open, and following it vp to the head, enters into the chamber, and findes his maiestie and maister Alexander strugling in that forme, as is before saide; and, after he had twise or thrise striken maister Alexander with his dagger, the other man withdrew himselfe, his maiestie still keeping his grips, and holding him close to him; immediately therafter he tooke the said maister Alexander by the shoulders, and shotte him down the staire; who was no sooner shotte out at the doore, but he was met by sir Thomas Erskine, and sir Hew Heries, who there, vppon the staire, ended him; the said sir Thomas Erskine being casten behinde the duke and the earle of Mar, that ran about the other way. by the occasion of his medling with the said late earle vppon the street, after the hearing of his maiesties cry. For, vppon the hearing thereof, hee had clasped the earle of Gowrie by the gorget, and casting him vnder his feet, and, wanting a dagger to have striken him with, the said earles men redde the earle their maister out of his hands; whereby he was casten behinde the rest, as said is; and missing the companie, and hearing the said sir Iohn Ramsayes voice vpon the turn-pyke head, ran vp to the said chamber, and cried vppon the said Hew Heries and another seruant to follow him; where, meeting with the saide maister Alexander in the turn-pyke, he ended him there, as saide is; the said maister Alexander onely crying for his last words, Allace! I had not the wyte of it. But no sooner could the said sir Thomas, sir Hew, and another seruant win in to the chamber, wher his maiestie was, but that the said earle of Gowrie, before they could get the dore shutte, followed them in at the back, hauing casten him directly to come vp that priuie passage, as is before saide; who, at his first entrie, hauing a drawne sworde in everie hand, and a steil bonnet on his head, accompanied with seuen of his seruants, euerie one of them hauing in like manner a drawn sworde, cried out with a great oath, that they shoulde all die as traitors. Al the which tyme his maiestie was still in the chamber, who seeing the earl of Gowrie come in with his swordes in his hands, sought for Alexanders sworde, which

had fallen from him at his out-shutting at the dore, hauing no sort of weapon of his owne, as said is; but then was shot backe by his owne seruants that were there, into the little studie, and the dore shut vppon him; who, having put his maiestie in safetie, re-encountred the said earle and his seruants; his maiesties seruants being onlie in nomber four; to wit, sir Thomas Erskine, sir Hew Hereis, sir John Ramsay, and one Wilsoun, a seruant of Iames Erskines, a brother of the saide sir Thomas; the said earle hauing scuen of his seruants with him: yet it pleased God after manie strokes on al hands to give his maiesties seruants the victorie, the saide earle of Gowrie beeing striken dead with a stroke through the heart, which the saide sir Iohn Ramsay gave him, without once crying upon God, and the rest of his seruants dung ouer the stair with many hurts; as in like manner the saide sir Thomas Erskine, sir Hew Hereis, and sir Iohn Ramsay were all three hurt and wounded. But, all the tyme of this fight, the duke of Lennox, the earle of Mar, and the rest of his maiesties traine, were striking with great hammers at the vtter doore, wherby his maiestie past vp to the chamber, with the said maister Alexander, which also he had lokked in his bycomming with his maiestie to the chamber, but, by reason of the strength of the saide double dore, the whole wall being likewise of bordes, and yeelding with the strokes, it did byde them the space of halfe an houre and more, before they could get it broken and have entresse. Who, having met with his maiestie, and (beyond their expectation) his maiestie delivered from so imminent a perill, and the saide late earle, the principall conspirator, lying dead at his maiesties feete. Immediatelie therafter his maiestie kneeling downe, on his knees, in the midst of his own seruants, and they all kneeling round about him, his maiestie out of his own mouth thanked God of that miraculous deliuerance and victory, assuring him selfe that God had preserued him from so dispaired a perill for the perfiting of some greater worke behinde to his glorie, and for the procuring by him the wel of his people, that God had committed to his charge. After this the tumult of the toun hearing of the slaughter of the saide earle of Gowrie, their prouost, and not knowing the manner therof, nor being on the counsell of his treasonable attempt, continued for the space of two or thre houres, therafter, vntill his maiestie, by oft speaking out to them at the windoes, and beakening to them with his owne hand, pacifying them, causing the baylies and the rest of the honest men of the toun to bee brought into the chamber, to whom having declared the whole forme of that strange accident, hee committed the house and bodies of the said traitors, brethren, to their keeping, vntill his maiesties further pleasure were knowne. His maiestie, hauing before his parting out of that toun, caused to search the saide of earle Gowries pockets, in case anie letters that might further the discouerie of that conspiracie, might bee found therein. But no thing was found in them, but a little close parchment bag, full of magicall characters, and words of inchantment, wherin, it seemed, that he had put his confidence, thinking him selfe neuer safe without them, and therfore euer carried them about with him; beeing also obserued, that, while they were vppon him, his wound wherof he died, bled not, but, incontinent after the taking of them away, the blood gushed out in great aboundance, to the great admiration of al the beholders. An infamy which hath followed and spotted the race of this house, for manie discents, as is notoriouslie knowne to the whole countrie. Thus the night was far spent, being neir eight houres at euening before his maiestie could, for the great tumult that was in the toun, departe out of the same. But before his maiestie had ridden four myles out of the same towardes Falkland, although the night was very darke and rainie; the whole way was cled with all sorts of people, both on horse and foote, meeting him with great ioy and acclamation. The frequencie and concourse of persons of al degrees to Falkland, the rest of the weeke, and to Edinburgh the next, from al the quarters of the countrie; the testimonie of the subiects heartie affection and ioy for his maiesties deliuerie, expressed euery wher by ringing of bels, bonefires, shutting of gunnes of al sorts both by sea and land, &c. with all other things ensuing therupon, I haue of set purpose pretermitted, as well knowne to al men, and impertinent to this discourse; contenting my seife with this plaine and simple narration; adding onlie, for explanation and confirmation therof, the depositions of certaine persons who were either actors, and eie-witnesses, or immediat hearers of those things that they declare and testifie; wherin, if the reader shall finde anie thing differing from this narration, either in substance or circumstance, hee may vnderstand the same to be vttered by the deponer in his owne behoof, for obtaining of his maiesties princelie grace and fauour.

Apud Falkland, 9 *August,* 1600.

In presence of the Lord Chancellar, Lord Treasurer, Lord Secretare, Lord Comptroller, Lord Aduocate, the Lord Inchefray, and sir George Home of Spot, knicht.

Iames Weimis of Bogy, of the age of 36 yeare, or thereby, sworne and examined vppon the forme and manner of bahauiour of late Iohn, earle of Gowrie, the tyme of his being with him at Strabran, or if he had heard the saide earle make anie motion of the treason intended against his maiestie, depones that hee neither heard nor sawe anie appearance of anie such intention in the said earle.

Demanded, if hee was in anie purpose with the said earle anent any matters of curiositie; depones, that at their being in Strabran, some of their company found an edder, which being killed, and knowledge therof comming to the earle, the earle said to this deponer, 'Bogy, if 'the edder had not beene slaine, yee should

'haue seene a good sport; for I should haue 'caused her stand still, and she should not 'haue preissed away, by pronouncing of an 'Hebrew worde, which in Scottish is called 'holinesse;' but the Hebrew worde the deponer remembers not of; and that the earle saide hee had put the same in practice oft before. And this deponer enquyring at the earle, Where hee did get the Hebrew worde? The earle answered, In a cabbalist of the Iewes, and that it was by tradition; and the deponer enquyring, What a cabbalist meaned? The earle answered, It was some wordes which the Iewes had by tradition, which wordes were spoken by God to Adam in Paradice, and therefore were of greater efficacie and force, nor anie wordes which were excogitate since by prophetes and apostles. The deponer enquyring, If there was no more requisite but the worde? The earle answered, That a firm faith in God was requisite and necessarie, and that this was no matter of maruel amongst schollers, but that all these things were naturall. And that the earle shew to this deponer, that hee had spoken with a man in Italie, and first hearing by report that hee was a nigromancer, and therafter being informed, that hee was a verie learned man and a deep theologue, he entered in further dealing with him anent the curiosities of nature.

Depones further, that the said earle reported to him, that hee being at the musick, he fell in companie with another man, who stairing in the earles face, spake to the rest of the companie things of him, which he could neuer attain vnto, nor be worthie of; and therfore that the earle reproached him, and desired him to forbear these speeches. And that he met again with the saide man in a like company, who did begin with the same language which he had spoken before; and that the earle saide to him, My friend, in cace yee will not hold your peace from speaking lies of mee, I will make you hold your peace by speaking sooth of you; and saide unto him, Within such a space hee should be hanged for such a crime; and so it came to passe. This deponer enquyring of the earle, Who told him that? Hee answered merely, That he spake it beguesse, and it fell out so. And that the earle saide further, That it was no thing to make an herb flesh, which would dissolve in flies; and that, likewise, it was possible that the seed of man and woman might be brought to perfection otherwise then by the matrix of the woman; and that this deponer counselled the earle to bewar with whom he did communicate such speeches; who answered, that he would speak them to none but to great schollers, and that hee woulde not haue spoken them to this deponer, if he had not knowne him to be a fauourer of him, and a friend of his house, and woulde not reueale the same again, seeing he knew they would be euill interpreted amongst the common sorte.

Sic subscribitur,

I. Weimis of Bogye.

Apud Falkland, 20 August, 1600.

In presence of the Lords Chancellar, Treasurer, Aduocate; sir George Home of Spot, sir Robert Melvill, and sir Iames Melvill, knichts.

Maister William Rynd, sworne and examined, and demanded, where he first did see the characters, which were found vppon my lord; depones, that hee, hauing remained a space in Venice, at his returning to Padua, did finde in my lords pocket the characters which were found vppon him at his death; and the deponer enquyring of my lord, Where he had gotten them? My lord answered, That by chance he had copied them him selfe; and that the deponer knowes, that the characters in Latin are my lords owne hand write, but he knows not if the Hebrew characters were written by my lord. Depones further, that, when my lorde woulde change his clothes, the deponer woulde take the characters out of my lords pocket, and woulde say to my lord, Wherfore serues these? And my lord woulde answer, Can yee not let them bee, they do you no euill; and further the deponer declares, that sometimes my lord would forget them vntill hee were out of his chamber, and would turn back as he were in an anger, vntill he had found them, and put them in his owne pocket; depones further, that he was sundrie times purposed to have burnt the characters, were not he feared my lords wrath and anger, seeing, when the deponer would purposelie leaue them sometimes out of my lords pocket, my lord would be in such an anger with the deponer, that for a certaine space he woulde not speak with him, nor coulde finde his good countenance; and that to this deponers opinion, my lord would neuer be content to want the characters off him selfe, from the first time that the deponer did see them at Padua, to the hour of my lords death.

Being demanded, For what cause my lord kept the characters so well? Depones, That in his opinion it was for no good, because he heard that, in those parts where my lord was, they would give sundre folks breeues.

Depones further, that M. Patrick Galloway did let this deponer see the characters, since he came to this town of Falkland, and that hee knowes them to be the verie same characters which my lord had.

Depones also, that, vppon Monday the 4th of August, the maister Andrew Hendersoun, and the deponer remained in my lords chamber, vntil about ten houres at euen, and, after a long conference betwixt the lord and the maister, my lord called for Andrew Hendersoun, and, after some speeches with him, dismissed them.

Denies that he knew of the maisters or Andrew Hendersouns ryding to Falkland, and after Andrews return from Falkland vpon the morrow, howbeit he did see him booted, yet he knew not that he was come from Falkland.

Depones that, my lord being at dinner when the maister came in, the deponer heard my

lord say to the maister, Is the king in the Inshe? And with that he did rise, and said, Let us goe. But the deponer knowes not what the maister said to my lord.

Being demanded, if he did see anie kinde of armour or weapons, except swordes, in the kings companie, depones that he did see nohe.

It being demanded, how the deponer was satisfied with my lords answer made to him concerning the kings comming to Sanct. Iohnstoun, saying, that hee knewe not how hee come; declares, that hee thought my lord had dissembled with him, and that hee behooued to haue knowne it, seeing his brother was come with his maiestie before that hee demanded of him, and that he had confered with my lord priuilie.

Depones, that hee knew not that the maister was ridden to Falkland, vntil after his maiesties comming to Sanct. Iohnstoun, that Andrew Ruthwen told him, because the deponer enquyred at Andrew Ruthwen, where the maister and hee had bene, and that Andrew answered they had bene in Falkland; and that, the maister having spoken with the king, his maiestie come forward with them, and that this conference betwixt the deponer and Andrew Ruthwen was in the yarde, when my lord was there. And Andrew Ruthwen shew to the deponer, that Andrew Hendersoun was directed by the maister to shew my lord that his maiestie was comming.

Depones also that, in his opinion, the maister could not haue drawne the king to my lords house, without my lords knowledge; and that, when hee heard the tumult, he was resolved in his heart the maister had done his maiestie wrong, and that no trewe christian can think otherwise, but that it was an high treason, attempted against his highnesse by the maister and the lord.

Depones also that, to his opinion, the kings whole companie was within a dozen of men.

Sic subscribitur, M. W. Rynd.

22 August, 1600.

Maister William Rynd swarne and re-examined, if euer he heard the earle of Gowrie vtter his opinion anent the dutie of an wise man in the execution of an high enterprise? Declares that, being out of the countrie, hee has diuerse times heard him reason in that matter; and that hee was euer of that opinion that hee was not an wise man, that, hauing intended the execution of an high and dangerous purpose, communicate the same to any but to him selfe, because, keeping it to him selfe, it coulde not be discouered nor disappointed; which the deponer declared before vn-required to the comptroller, and maister William Cowper, minister at Perth; and, hearing the depositions of Andrew Hendersoun red, and being enquyred vpon his conscience what he thought of the fact that was committed against his maiestie, declares that upon his saluation that he beleeues Andrew Hendersoun has declared the circumstances trulie. *Sic subscribitur,*

M. W. Rynd.

Apud Falkland, 20 *August,* 1600.

In presence of the Lords Chancellar, Treasurer, Aduocate, Comptrollar, and sir George Home of Spot, sir James Melvill, knichts.

Andrew Hendersoun, sworne and examined, and demanded what purpose was betwixt him and the earle of Gowrie, vppon Monday at night the fourth of this instant in the said earles chamber? Depones, that the earle enquyred of him what he would be doing upon the morrow, and hee answering that he was to ryde to Ruthwen; the earle said to him, You must ryde to Falkland with maister Alexander my brother, and, when hee directs you backe, see that ye returne with al diligence, if he send a letter or anie other aduertisement with you.

Depones, that the maister directed him to send for Andrew Ruthwen, to be in readinesse to ryde with them the morrow at four houres in the morning.

Declares, that, they comming to Falkland, about seuen houres in the morning, the maister stayed in a ludging beside the palace, and directed the deponer to see what the king was doing; and, the deponer finding his maiestie in the close comming forth, he past back and told the maister, who immediatlie addressed himselfe to his highnesse, and spake with his maiestie a good space beneth the equerie; and, after his maiestie was on horse-back, the maister commes to the deponer, and commands him to fetche their horses, and bade him haste him, as he loued my lords honour and his, and aduertise my lord that his maiestie and hee would be there incontinent, and that his maiestie would be quiet; and, the deponer enquyring at the maister, if he should go presentlie, hee did bid him leap on and followe him, and not go away vntill he spake with the king; and the maister hauing spoken with the king, at a breach of the park wal, he turned backe and bade the deponer ride away; and the deponer making his return in al possible haste to Sanct-Iohnstoun, he fand my lord in his chamber about ten houres, who left the companie hee was speaking with, and come to the deponer, and asked, Hath my brother sent a letter with you? The deponer answered, No, but they will be al heere incontinent, and bade the deponer desire my lord to cause prepare the dinner. Immediatlie therafter, my lord took the deponer to the cabinet, and asked at him, How his maiestie took with the maister his brother? The deponer answered, Very well, and that his maiestie laide his hand ouer the maisters shouldier. Therafter my lord enquyred, if there was manie at the hunting with the king? The deponer answered, that he took no heed, but they who were accustomed to ride with his maiestie, and some Englishmen were there; and that my lord enquyred what special men were with his maiestie, and that the deponer answered, hee did see none but my lord duke. And within an hour therafter, when the deponent came in from his owne house, the earle bid him put on his secreit and plait-

sleeues, for he had an Heylandman to take, which the deponer did incontinent; and about twelve houres, when the deponer was going out to his owne house to his dinner, the steward came to him and shewe him that George Craigingelt was not well, and was lyne down, desired him to tary and take vp my lords dinner; and about half an hour after twelue my lord commanded him to take vp the first seruice; and, when the deponer was commanded to take up the second seruice, the maister and William Blair came into the hal to my lord.

The deponer remembreth him selfe, that Andrew Ruthwen came before the maister a certaine space, and spake with my lord quyetlie at the table, but heard not the particular purpose that was amongst them. And so soone as the maister came to the hal, my lord and the whole company raise from the table; and the deponer, hearing the noyes of their foorth-going, supponed they were going to makebreakes for makilduy; and the deponer sent his boy for his gantlet and steil bonnet; and seeing my lord passe to the Inshe, and not the Shoe-gate, the deponer did cast the gantlet in the pantrie, and caused his boy take his steil bonnet to his owne house; and he followed my lord to the Inshe, and returning back with his maiestie to the lodging, beeing directed to get drinke. And the maister came to the deponer, and bid him cause maister William Rynd send him vp the key of the gallerie chamber, who past up and deliuered the key to the maister; and immediatlie my lord followed vp, and did speak with the maister, and came downe againe, and directed maister Thomas Cranstoun to the deponer to come to his lordship in his maiesties chamber. And that my lord directed him to go vp to the gallerie to his brother; and immediatlie my lord followed vp, and commanded the deponer to byde there with his brother, and to doe anie thing that hee bade him. The deponer enquyred at the master, What haue yee to do, sir? The maister answered, Yee must goe in heere, and tarry vntill I come backe, for I will take the key with mee. So he lokked the deponer in the rounde within the chamber, and took the key with him. Shortly thereafter, the maister returned, and the kings maiestie with him, to the saide cabinet in the rounde; and the maister, opening the dore, entered with the king into the said rounde; and at his verie entrie, couering his head, pulled out the deponers dagger, and held the same to his maiesties breast, saying, Remember you of my fathers murther? yee shall now die for it; and minting to his hienes heart with the dagger, the deponer threw the same out of the maisters hand, and swore, that, as God shall iudge his soule, if the maister had retained the dagger in his hand the space that a man may go six steppes, he would have striken the king to the hilts with it: But wanting the dagger, and the kings maiestie giving him a gentle answere, hee saidé to the kings maiestie with abhominable oathes, That, if hee would keep silence, no thing should aile him, if hee woulde make such promise to his brother as they would craue of him; and the kings maiestie enquyring what promise they would craue? He answered, that he would bring his brother. So he goes forth, and lokkes the dore of the rounde vpon his maiestie and the deponer, hauing first taken the king sworne that hee should not cry, nor open the windoe.

And his maiestie enquyring at the deponer what he was? He answered, A seruant of my lords. And his maiestie asking at the deponer, If my lord would do anie euill to him? the deponer answered, As God shall iudge my soule, I shall die first. And, the deponer preising to have opened the windoe, the maister entered, and said, Sir, there is no remedie, by Gód, you must die; and, hauing a loose garter in his hands, preissed to have bound his maiesties hands, and the deponer pulled the garter out of maister Alexanders hand. And then the maister did put one of his hands in his maiesties mouth, to haue staied him to speak, and held his other arme about his hienes neck: And that this deponer pulled the maisters hand from his hienesse mouth, and opened the windoe: and then his maiestie cried out thereat, wherupon his hienes seruant came in at the gate, and this deponer did run and open the dore of the turnpyke heade, whereat Iohn Ramsay entered; and the deponer stoode in the chamber vntil he did see Iohn Ramsay giue the maister ane stroke, and thereafter priuilie conuoyed him selfe downe the turnpyke to his owne house; and the deponers wife enquyring of him what the fraie meaned? The deponer answered, that the kings maiestie would haue been twise stikked, were not he releeued him. *Sic subscribitur,*

Andrew Hendersoun, with my hand.

Further, the saide Andrew Hendersoun depones, That, after his returning from Falkland upon the fifth of this instant, maister Iohn Montcrief enquyring of him where he had beene? He answered, That he had beene beyond the bridge of Erne; and sayes, that he gaue that answere to maister Iohn, because my lord commanded him to let no man knowe that he was to ride to Falkland; and that my lords direction to him was to come backe with his brother maister Alexanders answere, and to leave Andrew Ruthwen to await upon the maister. *Sic subscribitur,*

Andrew Hendersoun, with my hand.

Further, the saide Andrew Hendersoun depones, that, when hee had taken the maisters hand out of the kings maiesties mouth, and was opening the windoe, maister Alexander said to him, Will thou not helpe? wo betyde thee, thow will make vs all die. *Sic subscribitur,*

Andrew Hendersoun, with my hand.

72. The Arraignment and Judgment of Captain Thomas Lee, at the Sessions-house near Newgate, for High Treason: 43 Eliz. A. D. 1600. [From an authentic MS. lent the Editor.]

The Indictment.

'That he plotted and compassed to raise 'Sedition and Rebellion to the queen's ma- 'jesty's person, to deprive her of her crown 'and dignity, take away her life, commit her 'people to slaughter, alter the form of Govern- 'ment and Religion; and upon this wicked 'resolution, on the 12th day of Feb. 1600; in 'the afternoon about the hours of four and five, 'he the said captain Lee repaired to the cham- 'ber of one sir Robert Crosse, (sic MS.) * knt. 'in the parish of St. Giles in the Fields, of pur- 'pose to discover his plot to him, and to per- 'suade the said sir Robert Crosse to consent 'to join with him; namely to go to the royal 'palace of our sovereign lady, being then at 'Westminster, and then and there to lay vio- 'lent hands on her sacred person, and to take 'her prisoner; thinking by that means to set 'at liberty the earls of Essex and Southampton, 'and other Traitors now in prison. But the 'said sir Robert Crosse not consenting to that 'traitorous practice; this Thomas Lee himself 'repaired to the said royal palace between the 'hours of 8 and 9 in the same night, and pressed 'into the presence, even to the Privy-chamber 'door, with purpose to have taken the person 'of our said sovereign lady, and performed his 'other traitorous designs. But there in that 'manner was apprehended, and examined, and 'so committed to prison.'

To this being asked, whether he were Guilty, or not? He answered, Not Guilty in manner and form as there set down. And by whom he would be tried? Said, by God and the country, if he might see his Jury. He said farther, (protesting he was not Guilty of any ill intent) that my Lord Admiral had long sought his life, and now he was like to have it.

The Jury called, he took exception to one, saying, he liked not his face; but urged to shew other reasons, he challenged him peremptorily. But that, the Judges told him, could not be allowed in that case.

Capt. *Lee.* Then I am contented; proceed as you will.

My L. C. Justice, at the end of the calling and impannelling, advertised the Jury what Treason was; namely, to intend to lay violent hands upon her majesty, or to take away her life; to raise Rebellion even the intent was Treason, if it could be discovered by any overt-act.

Att. Gen. That he would prove him that stood at the bar, guilty of many foul Treasons.

Lee. Nay for all your wit and learning, you shall never do that. I care not what you can say. I have lost a great deal of blood in her majesty's service, and done good service in Ireland.

Att. Gen. That we shall see anon; and proceeded upon the Indictment: where he shewed how, in the late Rebellion of that Arch-traitor Essex. For, said he, all the nobility draw their honour and dignity of the Queen, as the Stars take the light from the Sun; and so when they enter into any rebellions and traiterous practices against her majesty, they deprive themselves of the light, as it were, of that glory and honour which before-time they received from her, the chief and fountain of all their light: and so he doubted not to call those persons traitors, who, whilst they stood, were noblemen; and now, failing of their allegiance, lost their titles. In the late Rebellion of this Traitor Essex, this Lee came *flagrante crimine*, and offered his service to the Lord-Admiral, and Mr. Secretary, as he pretended, to kill the earl, which he said he could do, as being well acquainted, and loved of the earl: but they refusing, he would needs have offered so much to the queen's majesty; but with what mind, his practice will discover.

Lee. It is true, I would have been the first man should have gone against him whilst I thought him a traitor, and so would have adventured against any, to have defended the queen.

Att. Gen. How you meant it, that will be plain anon.—After this, he came to sir Henry Nevil, a gentleman of noble blood, and uttered his mind to him concerning the practice in the Indictment; and after that came to sir Robert Cross, as you shall hear, and opened his vile purpose at large to persuade him. That these worthy men deserving all honour for their loyalty, refused, and revealed his vile plot in good time. And thus much he had confessed under his hand.

Lee. What I have set my hand to, I cannot tell; but I am sure I had never such intent as you would persuade the jury I had.

Att. Gen. That is to be proved by sir Robert Crosse, what you meant when you went about to persuade him.

Lee. I persuaded him not; and he will not say so.

Att. Well; he shall speak it before your face.

Then sir Robert Crosse was sworn, and set in sight of the prisoner; and began to tell; That upon Thursday about 5 at night capt. Lee, came to his lodging, he being ready to go abroad, and told him, he should not go out, yet he must speak with him; and so taking him aside, he spoke to him of these matters of Treason, and said, that half a dozen resolute men, &c.

* Though the name in the MS. is Crosse, yet I take it to be Crofts, as Camden writes it.

Lee here interrupted him, saying: Nay, good Robin Crosse, speak all the truth.

Mr. Attorney willed Lee to give him leave to speak upon his oath.

Lee replied, I would nothing but put him in mind of the circumstance; and said, Good Robin, remember how I began.

Sir Robert said he would. Thus then you spake to me:—I marvel what will become of these matters; a man might do a brave act to set those lords at liberty. Why how? quoth I, Marry sir Walter Rawleigh might get him eternal honour and love more than ever he can otherwise if he would procure her majesty's warrant to free them, which he might compass by undertaking her person. I answered, you may be sure he will not do it. Then Lee replied, If half a dozen resolute men, such as might have access to the presence, would step unto the queen, and kneel before her, and never rise till she had signed a warrant, and then send it by the Lord Admiral, and never stir till the earls of Essex and Southampton were brought to the queen's presence, they might do it. And then he named sir Henry Nevil, sir Jarvis Clifton, sir George Gifford, sir R. Weston, and themselves. I objected, how if some should offer to come upon us, and remove us from her majesty. He answered, we might keep any body out by shutting the door, and telling them that offered to come in, that if any harm came to the queen, if she should do otherwise than well, be it at their peril; and this was all. To which sir Robert answered, he would sleep upon it.

Lee. But I did persuade you, sir Robert, with protestation, saying, I never meant to be an actor myself, or persuade any other to it. And what a wretch am I, to be thought a villain for that I never meant? For my lord Essex, indeed, I loved and honoured him, so long as I thought him an honest man and a good-subject. I spake these words with an *if*; *if* such a thing could be done.

Attorney. Why pressed you to the Privy-chamber door at such a time, where you were not wont to come?

And then was shewed the Examination of William Poynes, (who was himself in the Fleet) to this purpose: That he saw capt. Lee press towards the Privy-chamber door, and stand very near, and mistrusting the worst, drew towards him. When he came near, he marked his colour, that was pale, his countenance stern, and his face having great drops of sweat standing on it.* When he came near to him, capt. Lee lean'd hard upon him, and said, It was one of the wonders of God that I was not in this action with the earl of Essex. Why? said Mr. Poynes. I was so well acquainted, and so much with my lord of Essex, answered he. Then they paused. And capt. Lee asked, Whether the queen were at supper? Mr. Poynes answered, No.

Att. Mark, all the rest was but to bring in this.

Mr. Poynes told Lee farther, perhaps he might do good service, if he were so well acquainted with the earl, it was likely he knew somewhat of the Plot. Not I, answered Lee; but you shall hear more villanies and knaveries yet.

Att. Mark: what meant he by that speech?

To this capt. Lee could not deny but he spake it; but said, how was I there? had I any company? had I any dagger or any thing about me, that might shew I meant to do the queen any harm? No, I had not, neither did I mean any such thing; and for my being at the Privy-chamber door, I had been there 500 times, and never was noted. And what reason had I for my lord of Essex, to adventure any such thing. I have spent my blood in her majesty's service, and so would again.

Attorney. You mark, there was love between him and the traitor Essex. And then Mr. Attorney caused a Letter to be read, which was written in the behalf of Lee to the now deputy by the earl of Essex: "That he knew it was for one in place to do what he would; and farther, What an unreasonable thing it was for any to require that at his friends hands, that were out of time. He desired his lordship to take notice of the bearer capt. Lee, one near allied to him, and that suffered for him; one that did as good service as any, when himself was in Ireland, and one that was as well seated for service as any; thus, whatsoever he did for the bearer, he would acknowledge as for himself: and so he concluded."

Then likewise was read the Confession of

* "On the 12th of February, Thomas Lea (a kinsman of sir Henry Lea, who had wore the honour of the garter) told sir Robert Crofts, captain of a man of war, that it would be a glorious enterprize for six brave mettled fellows to go to the queen, and compel her to discharge Essex, Southampton, and the rest that were in prison. He was a man himself of great assurance and resolution, had commanded a company in Ireland, was very intimate with Tir-Oen, and an absolute creature of the earl of Essex's. This did Crofts immediately discover to the Council; insomuch that Lea was sought for, and found in the dusk of the evening about the door of the queen's Privy-chamber. He seemed very thoughtful, was extreme pale, and in a great sweat, and frequently asked, Whether her majesty was ready to go to supper? and, Whether the Council would be there? In this posture he was seized, and examined, the next day had his Trial, and by Crofts's Evidence and his own Confession, condemned, and carried away to Tyburn; where he owned that he had been indeed a great offender: but as to this design was very innocent; and having moreover protested, that he had never entertained the least ill thought against the queen, he was there executed. And this, as the times were, appeared a very seasonable piece of rigour." Camden.

capt. Lee to this purpose, That he loved and honoured the earl of Essex as much as any man in England, saving sir Henry Lee.

Att. This being but the prologue to an ensuing tragedy, he would give a taste of the practices and treasons of the earl of Essex, and his complices.

Lee. He doubted the treason would light on some of them that held the earl a traitor.

Whereat a confused noise there was, That he was a villain to defend a Traitor.

Mr. Attorney proceeded to shew the queen's great grace in sending to him the said earl, and the contempt and indignities offered to those honourable persons and counsellors sent to call him to his allegiance.

The *L. C. Justice* spake to this point, confirming of his own knowledge what the Attorney said, much after the manner it was delivered at the earl's Arraignment. The Attorney, continued he, would of his own knowledge affirm, that all the associates and complices of the earl in this practice, were of these three sorts: either Atheists, Papists, or men of broken estates: for he had looked into them all particularly. Then named he sir Christ. Blunt and sir John Davis, known Papists: Catesby and Tresham likewise; the last of which he said was a stock, that was *genere minax Dei*, and was he that abused the Lord-keeper in Essex house; Salisbury also he named to be a notable villain, and these seven years together laid out for by the Lord-Chief-Justice, and so of the rest he said he could speak.

Mr. *Attorney.* Besides in Ireland, it is plain to be proved, how he held intelligence with Seminaries and Priests, entertaining them to deal with the king of Spain and the pope, to make himself king of England.

Lee. Who! my lord of Essex deal with Seminaries and Priests? nay, it is well known he too much disliked those Pater-noster fellows to call them to a reckoning in any such matter.

Mr. Attorney said further, It is well known that the earl of Essex used this capt. Lee as a messenger to Tyrone; and Tyrone made him his bedfellow, and capt. Lee brought a message back to the earl of Essex, as he had confessed. Then there was some mention of a Letter between them; but I could not well hear what. Then was read capt. Lee's confession to that point, how sir Christ. Blunt, being marshal, sent him to Tyrone, and when he came, he found him very peremptory, using insolent speeches, and condemning our nation as a base people, and said the earl of Essex was sent to kill him, but he should not compass it; any of his slaves might easily kill the earl, but he would not take the life of any. And further, if he would (meaning the earl of Essex) follow his Plot, he would make him the greatest in England. Capt. Lee had them read out all: they left out much matter that should be known.

Mr. Attorney would not have any further thing read, and pressed further, the circumstances that Lee had confessed, that made him think the earl of Essex know of his going; namely, for that the marshal was well known not to do such things, of far less consequence, without the earl's privity and consent. Again, the earl of Essex made a private sudden journey to the then house of the said Lee, where the said sir Christ. Blunt lay sick, and within a day after, sir Christopher sent him to Tyrone.

To these Confessions read, capt. Lee answered nothing, as not belonging to the matter of his Indictment.

Mr. Attorney urged, That it was very likely that this man had been made acquainted with these late practices; which Lee with protestation denied.

Mr. *Attorney.* Nay, it could not be but he must have an ill meaning, that he should offer, as he did, to kill the earl of Essex, *flagrante crimine*, in that sort, and after enter into this plot and practice. Mark, said the Attorney, he said they might 'force' her majesty to do it: mark this word, 'force,' (which, as I remember, was in some part of his own Confession) 'Go in unto her, and never leave her till she had done it.'

Lee. Why I did say, with an If; and then I am not a fool, but I know they must have been of a resolution that should have undertaken such a thing, and such as would not fear to displease her majesty for half an hour, to please her all her life after: but I never meant to have been an actor myself.

The Court, affirmed it was Treason to undertake to 'force' her majesty to do any thing against her will.

Capt. *Lee.* I never undertook it.

Mr. Attorney urged his words to sir Robert Mansfield riding in his coach after he was apprehended, that shewed himself guilty, and so willed sir Robert should be sworn.

Sir Robert Mansfield affirmed, That capt. Lee should say, that he had humbly sued to her majesty this twelvemonth, that he might be employed in some service, wherein he might have some throats cut: and now he thought he had done somewhat to bring him to his end.—Capt. Lee seemed to take some exceptions against sir Robert Mansfield.

Sir Robert protested he would neither wrong him, nor any man; and but for this cause, he had no reason to think otherwise than well of capt. Lee.

Capt. *Lee* confessed he had lived in misery, and cared not to live, his enemies were so many and so great.

Mr. Attorney urged her majesty's pardon to him heretofore; for he said, he was a man many ways having passed the danger of the law, being full of cruelty and blood.

Capt. *Lee* answered, it was the worst thing her majesty did for him, to pardon him.

Mr. *Attorney.* Hark, how ungrateful he is!

Capt. *Lee.* Nay, I humbly thank her majesty for that her grace; but it had been better for me I had died then. I have lost a great deal of blood since, and now am like to end worse: and for that it is said I am a bloody man and cruel; I protest I have been in her

majesty's service forward, and indeed in fair fight I would do the worst against her majesty's enemies: but when they submitted to my mercy, I ever used them but as became a soldier and a gentleman, as merciful as any.

My lord of London told him, he knew it was a common thing in Ireland, they would not believe a man was dead till his head were off; and so you would not have any body persuaded that you were a traitor, unless her majesty (God bless her) were dead.

Lee. No, my lord, I never meant any such thing. You know, my lord, it was ever my fault to be loose and lavish of my tongue; and that was my fault now, and I am like to pay for it.

Then the Jury were put together, who quickly found him Guilty.

Upon Verdict given, Mr. Attorney said, Now capt. Lee, you may do well to confess this matter, what you know, and who set you on.

Capt. Lee. What? I am not a fool to be set on like a dog upon a bear; nobody set me on, for I endeavoured nothing.

Mr. Recorder, with a very grave admonition to him, to make him see his fault and fly to God's mercy for pardon, pronounced Judgment; which he took patiently.

They asked him, what he had to say: he answered, nothing; but desired my lord of London, that he might have one sent to him, fit for a man in his case.

Lord of London. What? you would not have a jesuit or a priest?

Capt. Lee. No, I am a Protestant: I never liked those Paternoster fellows; but I desire a minister, and to receive the Sacrament: and further I desire, my lord chief justice, that my son may have no wrong, and that he may have that little that he had got together, and should leave behind him; for it was his by right, and his son might prove an honest man, and do his country good service one day.

L. C. J. He should have his right; nobody should be wronged.—So the Court broke up: Captain Lee still protesting he never intended any such thing against the queen as was laid to his charge; which he continued to affirm afterwards to Mr. Pasfield, to whom he confessed his other sins very freely, even taking his death upon it. He died the next day at Tyburn very Christianly, confessing his other vices, but still denying this.

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73. The Trial of Sir Christopher Blunt, Sir Charles Davers, Sir John Davis, Sir Gilly Merrick, and Henry Cuffe, at Westminster, for High Treason: 43 Eliz. March 5, A. D. 1600.*

The Commissioners were, The earl of Nottingham, Lord High Admiral, the lord Hunsdon, Lord Chamberlain, Mr. Secretary Cecil, L. C. J. Popham, sir John Fortescue, Chancellor of the Exchequer, Mr. Secretary Herbert, and divers of the Judges.

The Commission being read, the Court proceeded to the reading of the Indictment. After which the Clerk asked them if they were Guilty of the Indictment, or not Guilty.

Sir Christ. Blunt. My lords, we desire to know whether we may not confess part of the Indictment, and plead Guilty as to the rest.

L. C. J. Your pleading must be general to the whole, either Guilty or not Guilty.

Whereupon they all pleaded Not Guilty, and a substantial Jury was impanelled, which consisted of Aldermen of London, and other gentlemen of good credit.

Sir C. Blunt, sir Charles Davers, and sir John Davis, confessed, That it was their design to come to the queen with so strong a force, that they might not be resisted, and to require of her divers Conditions and Alterations of Government; nevertheless they intended no personal harm to the queen herself, and that was the reason why they could not confess the whole Indictment, because the Indictment charges 'that they intended and compassed the Death and Destruction of the Queen.'

L. C. J. Wherever the subject rebelleth, or riseth in a forcible manner to over-rule the royal will and power of the king, the wisdom and foresight of the laws of this land maketh this construction of his actions, that he intendeth to deprive the king both of crown and life; for the law judgeth not of the fact by the intent, but of the intent by the fact.

Queen's Counsel. This construction is no mystery or quiddity of law, but an infallible conclusion warranted by reason and experience: for the crown is not a garland, or mere outward ornament, but consists of pre-eminence and power; and therefore when the subject will take upon him to give law to the king, and to make the sovereign and commanding power become subject and commanded, such subject layeth hold of the crown, and taketh the sword out of the king's hand. The crown is so fastened upon the king's head, that it cannot be pulled off, but head and life will follow, as all examples both at home and abroad do manifest; and therefore when their words testify one thing, and their deeds another, they are but like the protestations used by Manlius, lieutenant of Catiline, who conspired against the state of Rome, and yet began his letter, * *Deos hominesque testamur, nos nihil aliud*, &c. denying they intend-

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* See a fuller account of this Trial, at p. 1415; but as Merrick and Cuffe's Speeches are at the end of this Trial, and not there, we chose not to omit this, which introduces them.

* Sallust.

ed any thing against their country, but only to provide for their own safety.—But admitting that the Protestation of the prisoners was so far true, that they had not at that time in their minds a formed and distinct cogitation to have destroyed the queen's person, yet nothing is more variable and mutable than the mind of man; and especially *Honores mutant mores;* when they were once aloft, and had the queen in their hands, and were peers in my lord of Essex's parliament, who could promise of what mind they would then be? especially when it is considered that my lord of Essex at his arraignment defended his first action of imprisoning the privy counsellors, by pretence that he was forced to it by his unruly company: so that if themselves would not have had, or would not seem to have had that extreme and devilish wickedness of mind, as to lay violent hands on the queen's sacred person; yet what must be done to satisfy the multitude and secure their party, must then be the question. The example of Richard the third may be remembered, who (though he were king in possession, and the rightful inheritors but infants) could never sleep quiet in his bed till they were made away; much less is it to be expected, that a Catilinary knot and combination of rebels (who have made an insurrection without so much as the fume of a title) would ever endure, that a queen, who had been their sovereign, and had reigned so many years in such renown and policy, should continue longer alive, than should make for their own turn.

After this the aforesaid sir Christ. Blunt, sir Charles Davers, and sir John Davis said, That now they were better informed, and had entered into a deeper consideration of the matter, they were sorry they had given the Court so much trouble, and had not confessed the Indictment at first. However, the Queen's Counsel produced their Evidence to the Jury, which consisted principally of their several Confessions, and the rest of the Evidence used at the Trial of the earls of Essex and Southampton, as mentioned before in the said Trial.

Against Henry Cuffe was given in Evidence sir Charles Daver's Confession, who charged him, when there was a debating of the several enterprizes which they should undertake, that he did ever bind firmly and resolutely for attempting the court. Also the earl of Essex's Accusation under his hand avouched by him to his face, that he was a principal instigator of him in his Treasons. But the chief evidence was a declaration of sir Henry Nevil, which described and set out the whole manner of his practising with him.

Cuffe. If my being within Essex-House the day of the Rebellion be a foundation to charge me with High-Treason, you may as well charge a lion that is within a grate with treason: and for the consultation of Drury-House, it is no more treason than the child in the mother's belly is a child.

Solicitor General, (Fleming.) As to his being in Essex-House, he was not there by force and compulsion, but freely and voluntarily: there was a distribution in the action, some were to make good the house, and others to enter the city; and the one part held correspondence with the other; and in treasons there can be no accessaries, all are principals. As to the Consultations at Drury-House, it was a perfect Treason in itself, because the compassing the queen's Destruction, which by Judgment of law was concluded and implied in that consultation, was Treason in the very thought and cogitation, so as that thought be proved by an overt act: that same consultation was an overt act, though it had not been upon a list of Names and articles in writing, much more being upon matter in writing: and again, the going into the city was a pursuance and carrying on of the enterprize against the court, and not a desisting or departing from it.

L. C. J. If many do conspire to execute Treason against the prince in one manner, and some of them do execute it in another manner, yet their act, though different in the manner, is the act of all of them who conspire, by reason of the general malice of the intent.

Against sir Gilly Merrick the Evidence produced proved him guilty of open Rebellion; for that he was a captain or commander over the house, and took upon him the charge to keep it and make it good as a place of retreat, for those who issued out into the city; and fortifyed and barricadoed the same house, making provision of muskets, powder, pellets, and other ammunition and weapons for the holding and defending it; and was a busy, forward and noted actor in that defence and resistance, made against the queen's forces brought against it by her majesty's lieutenant. It was further proved, that some few days before the rebellion, he had with great heat and violence displaced certain gentlemen who were lodged in an house close by Essex-House, and there posted divers of my lord Essex's followers and accomplices.—It was also proved that the afternoon before the Rebellion, Merrick with a great company of others, who were all afterwards in the action, had procured to be played before them the play of deposing king Richard the second; neither was it casual, but a play bespoke by Merrick: and when it was told him by one of the players, that the play was old, and they should have loss in playing it, because few would come to it, there were forty shillings extraordinary given for it, and so it was played.

Upon this Evidence the Jury went from the bar, and after some time returned and brought them in all Guilty: and accordingly they received Sentence of Death; and were all executed at Tyburn, except sir Christopher Blunt, and sir Charles Davers, who, being nobly descended, were beheaded upon Tower-Hill.

On the 13th of March, Merrick and Cuffe were drawn to Tyburn: when they were come to the gallows, Cuffe spake as follows:

'I am brought hither to pay my last debt to

'nature, and to suffer for crimes committed 'against God, my prince and my country; and 'as I cannot but discern the infinite justice of 'God, when I reflect on the multitude of my 'offences, so can I as little doubt but the seve- 'rity of my punishment will make way for my 'admission into the embraces of his mercy. 'We are exposed here as sad spectacles and 'instances of human frailty; the death we are 'to undergo carries a frightful aspect, (for 'even the best of men desire life) besides, that 'it is as full of ignominy as terror; however, it 'is the portion of the best of saints, with 'whom I assuredly hope to rise again in Christ: 'not that I would be thought by any one to 'depend on my own merits, which I absolutely 'discard, but I place my entire trust and de- 'pendance in the atonement of my Saviour's 'blood. I am fully persuaded, that whoever 'feels a secret consolation within himself, 'whilst he groans under the infliction of any 'earthly punishment, is chastised by God with 'a paternal tenderness, and not in an angry 'and judicial way. But to come to the cause 'of my death; there is nobody here can pos- 'sibly be ignorant what a wild commotion was 'raised on the 8th of February, by a particular 'great, but unadvised earl. I do here call God, 'his angels, and my own conscience to witness, 'that I was not in the least concerned therein, 'but was shut up that whole day within the 'house, where I spent the time in very melan- 'choly reflections.'

Here he was interrupted, and advised not to disguise the truth by distinctions, nor palliate his crime by specious pretences. Then he proceeded, 'I confess it is a crime as black as 'treason for a subject who lost his prince's fa- 'vour, to force his way to the royal presence: 'for my own part, I never persuaded any man 'to take up arms against the queen, but am 'most heartily concerned for being an instru- 'ment in bringing that worthy gentleman, sir 'Henry Nevil, into danger, and do most ear- 'nestly intreat his pardon. And whereas I 'said that one-and-twenty aldermen out of the '24 were devoted to the earl's interest, I only 'meant that they were his friends, and ready to 'serve him, but not in the way of open rebel- 'lion.'

Here he was again interrupted, and so began to apply himself to his devotions, which he managed with a great deal of fervour: and then making a solemn profession of his Creed, and asking pardon of God and the queen, he was dispatched by the executioner,

After him sir Giles Merrick suffered in the same way, and with a most undaunted resolution: for, as if he were weary of living longer, he once or twice interrupted Cuffe, and advised him to spare a discourse, which however rational was not very seasonable, when he was taking leave of the world. He cleared the lord Mountjoy from having any acquaintance with the design; and intreated those noblemen who stood by, to intercede with the queen, that there might not be any farther proceedings against such, as had unwarily espoused this unhappy cause.

Five days after, March 18, sir Christ. Blunt and sir Cha. Davers were executed on Tower-Hill. Davers bore his death with a most Christian calmness and composure, having first craved God's pardon and the queen's, to whom he wished all prosperity; as also the lord Grey's, who was there present, to whom he acknowledged he had been ill affected, not from any injury he had suffered from him, but purely on the earl of Southampton's account, to whom the lord Grey profest an absolute enmity.

When sir Christopher Blunt came upon the scaffold, he expressed himself in the following manner:

'My lords, and you that be present, although 'I must confess that it were better fitting the 'little time I have to breathe, to bestow the 'same in asking God forgiveness for my mani- 'fold and abominable sins, than to use any 'other discourse, especially having both an im- 'perfection of speech, and God knows, a weak 'memory, by reason of my late grievous wound: 'yet to satisfy all those that are present what 'course hath been held by me in this late en- 'terprize, because I was said to be an insti- 'gator, and setter on of the late earl, I will 'truly, and upon the peril of my soul, speak the 'truth.—It is true, that the first time that ever 'I understood of any dangerous discontent- 'ment in my lord of Essex, was about three 'years ago at Wansted, upon his coming one 'day from Greenwich. At that time he spake 'many things unto me, but descended into no 'particulars, but in general terms.—After 'which time he never brake with me any matter 'tending to the alteration of the state, (I pro- 'test before God) until he came into Ireland, 'other than I might conceive, that he was of 'an ambitious and discontented mind. But 'when I lay at the castle of Tho. Lee, called 'Reban, in Ireland, grievously hurt, and 'doubted of my life; he came to visit me, and 'then began to acquaint me with his intent.'

As he thus spake, the Sheriff began to interrupt him, and told him the hour was past. But my lord Grey, and sir Walter Raleigh captain of the guard, called to the Sheriff, and required him not to interrupt him, but to suffer him quietly to finish his Prayers and Confessions. Sir Christ. Blunt said, Is sir Walter Raleigh there? Those on the scaffold answered, Yea; to whom sir Christopher spake on this manner:

'Sir Walter Raleigh, I thank God that you are 'present; I had an infinite desire to speak with 'you, to ask your forgiveness ere I died, both for 'wrong done you, and for my particular ill in- 'tent towards you: I beseech you forgive me.' Sir Walter Raleigh answered, "That he most willingly forgave him, and besought God to forgive him, and to give him his divine comfort;" protesting before the Lord, that whatsoever sir Christopher meant towards him, for his part he never had any ill intent towards

him: And further said to sir Christopher, "I pray you without offence, let me put you in mind that you have been esteemed, not only a principal provoker and persuader of the earl of Essex in all his undutiful courses, but especially an adviser in that which hath been confessed of his purpose to transport a great part of her majesty's army out of Ireland into England, to land at Milford, and thence to turn it against her sacred person. You shall do well to tell the truth, and to satisfy the world." To which he answered thus: 'Sir, if you will give 'me patience, I will deliver a truth, speaking 'now my last, in the presence of God, in whose 'mercy I trust.' And then he directed himself to my lord Grey, and my lord Compton, and the rest that sat on horseback near the scaffold. 'When I was brought from Reban 'to Dublin, and lodged in the castle, his lord-'ship and the earl of Southampton came to 'visit me; and to be short, he began thus 'plainly with me: That he intended to trans-'port a choice part of the army of Ireland into 'England, and land them in Wales, at Milford, 'or thereabouts; and so securing his descent 'thereby, would gather such other forces, as 'might enable him to march to London. To 'which I protest before the Lord God, I made 'this or the like answer; that I would that 'night consider of it, which I did. And the 'next day the earls came again; I told them 'that such an enterprize, as it was most dan-'gerous, so it would cost much blood, and I 'could not like of it; besides many hazards 'which at this time I cannot remember unto 'you, neither will the time permit it. But I 'rather advised him to go over himself with a 'good train, and make sure of the court, and 'then make his own conditions. And although 'it be true, that (as we all protested in our 'Examinations and Arraignments) we never 'resolved of doing hurt to her majesty's Person; '(for in none of our Consultations was there 'set down any such purpose) yet, I know, and 'must confess, if we had failed of our ends, we 'should (rather than have been disappointed) 'even have drawn blood from herself. From 'henceforward he dealt no more with me 'herein, until he was discharged of his keeper 'at Essex-House. And then he again asked 'my advice, and disputed the matter with me; 'but resolved not. I went then into the coun-'try, and before he sent for me (which was 'some ten days before his rebellion) I never 'heard more of the matter: And then he 'wrote unto me, to come up, upon pretence of 'making some assurances of land, and the like. 'I will leave the rest unto my confessions, 'given unto that honourable lord admiral, and 'worthy Mr. Secretary, (to whom I beseech 'you, sir Walter Raleigh, commend me) I can 'requite their favourable and charitable deal-'ing with me, with nought else but my prayers 'for them. And I beseech God of his mercy 'to save and preserve the queen, who hath 'given comfort to my soul, in that I hear she 'hath forgiven me all but the sentence of the 'law, which I most worthily deserved, and do 'most willingly embrace, and hope that God 'will have mercy and compassion on me, who 'have offended him as many ways as ever sinful 'wretch did. I have led a life so far from his 'precepts, as no sinner more. God forgive it 'me and forgive me my wicked thoughts, my 'licentious life, and this right arm of mine, 'which (I fear me) hath drawn blood in this 'last action. And I beseech you all bear wit-'ness that I die a catholic, yet so, as I hope to 'be saved only by the death and passion of 'Christ, and by his merits, not ascribing any 'thing to mine own works. And I trust you 'are all good people, and your prayers may 'profit me. Farewel my worthy lord Grey, 'and my lord Compton, and to you all. God 'send you both to live long in honour. I will 'desire to say a few prayers, and embrace my 'death most willingly.'

With that he turned from the rail towards the executioner; and the minister offering to speak with him, he came again to the rail, and besought that his conscience might not be troubled, for he was resolved; which he desired for God's sake. Whereupon commandment was given, that the minister should not interrupt him any further. After which he prepared himself to the block, and so died very manfully and resolutely.

A fuller Account of the Trial of Sir Christopher Blunt, Sir Charles Davers, Sir John Davis, Sir Gilly Merrick, and Henry Cuffe. [From a MS. purchased at the Sale of the MSS. of Peter Le Neve, esq. Norroy King at Arms.*]

THE Commissioners were, the earl of Nottingham, Lord High-Admiral, the lord Hunsdon, Lord Chamberlain, Mr. secretary Cecil, the L. C. Justice Popham, sir John Fortescue, Chancellor of the Exchequer, Mr. secretary Herbert, with divers of the Judges.

The Commission being read, the Court proceeded to the Indictment, which was in substance as follows:

'That on the 8th day of Feb. last, at Essex-'house, they conspired the death and disin-'herison of the queen's majesty, and on that 'day caused an insurrection of the subjects,

* Although in the Manuscript it is 'Sir Charles Davers,' yet on the margin is written in Mr. Le Neve's hand, 'Sir Charles Danvers;' and so it is in Camden.

'and made war in London against the queen, 'and intended altering the government, state, 'and religion now established, and to surprize 'the court at Whitehall. The queen under-'standing of their intended Treasons, for pre-'venting thereof, upon the 8th of Feb. sent the 'Lord Keeper, the earl of Worcester, sir Wm. 'Knowles, and the L. C. Justice, to Essex-'house; they then commanded the earls of 'Essex and Southampton upon their allegiance 'to desist from their purposes, to disperse their 'forces assembled, and to demean themselves 'as dutiful subjects. But they refused to obey 'their command; and committed them the 'said Lord-Keeper, earl of Worcester, sir Wm. 'Knowles, and the L. C. Justice, to be strictly 'kept and detained in Essex-house, by the 'said sir John Davis, keeping them in by force; 'and these words being used by some, Kill 'them! Kill them! And that the earl of Essex, 'upon his going out of the house, commanded 'that if they should offer to deliver them out 'of their custody, or if the said earl should mis-'carry in London, then they should kill the 'said privy-counsellors and the earl of Wor-'cester. And that the same day they, with 'the number of 300 men, went into the city of 'London, seeking to stir up such citizens as 'they could move to their Rebellion. And 'that the said sir Charles Davers, sir Christ. 'Blunt, and sir John Davis, on the said 8th 'day of Feb. together with the earl of Essex, 'did fortify the said house, and armed them-'selves against the earl of Nottingham, the 'queen's Lieutenant, and against the queen's 'army and forces sent for the suppressing of 'the said Rebels.'

The Prisoners being demanded, whether they were Guilty, or not Guilty, of the several Treasons whereof they were indicted? Sir Christ. Blunt confessed several of the things contained in the indictment, and would have pleaded not guilty to the rest *; but the Court told him he must plead general, either Guilty or not Guilty to the whole Indictment; and upon evidence excuse himself in what parts he can. Where-

* Bacon, who by command of queen Elizabeth, published a Declaration touching the Treasons of the earl of Essex and his accomplices, in that part which relates to what passed at the Arraignment of Blunt, &c. says, "There were arraigned and tried by a Jury both of Aldermen of London, and other gentlemen of good credit and sort, sir Christopher Blunt, sir Charles Davers, sir John Davis, sir Gilly Merrick and Henry Cuffe; the three first whereof before they pleaded, asked this question of the Judges, Whether they might not confess the Indictment in part, and plead Not guilty to it in the other part? But being resolved by the Judges that their pleading must be general; they pleaded Not guilty, as did likewise the other two, without any such question asked. The reason of that question was, as they confessed, in respect of the clause laid in the Indictment; 'That they intended and compassed the death and destruction of the queen's majesty,' unto whose person (although they confessed at the bar, as they had done in their Examinations, that their meaning was to come to her in such strength, as they should not be resisted, and to require of her divers conditions and alterations of Government, such as in their Confessions are expressed), nevertheless they protested they intended no personal harm to herself. Whereupon, (as at the Arraignment of the two earls) so, then again the Judges delivered the rule of the law; that the wisdom and foresight of the laws of this land maketh this judgment, 'That the subject that rebelleth 'or riseth in forcible manner to over-rule the 'royal will and power of the king, intendeth to 'deprive the king both of crown and life: and 'that the law judgeth not of the fact by the 'intent, but of the intent by the fact.' And the queen's Council did again inforce that point, setting forth, that it was no mystery or quiddity of the common law, but it was a conclusion infallibly of reason and experience; for that the crown was not a ceremony or garland, but consisted of pre-eminence and power.—And therefore, when the Subject will take upon him to give law to the King, and to make the power sovereign and commanding, to become subject and commanded; such subject layeth hold of the crown, and taketh the sword out of the king's hands. And that the crown was fastened so close upon the king's head, that it cannot be pulled off, but that head and life, and all will follow, as all examples, both in foreign stories, and here at home, do make manifest. And therefore, when their words did protest one thing, and their deeds did testify another, they were but like the precedent of the protestation used by Manlius the lieutenant of Catiline, that conspired against the state of Rome, who began his letter to the senate with these words, *Deus hominesque testor, Patres conscripti, nos nihil aliud, &c.*—And it was said further, that admitting their protestations were so far true, that they had not at that time in their minds a formed and distinct cogitation to have destroyed the queen's person: yet nothing was more variable and mutable than the mind of man, and especially *Honores mutant mores:* when they were once a-loft, and had the queen in their hands, and were peers in my lord of Essex's parliament, who would promise of what mind they would then be? especially, when my lord of Essex, at his arraignment, had made defence of his first action of imprisoning the privy councellors, by pretence that he was inforced to it by his unruly company. So that if themselves should not have had, or would not seem to have had, that extreme and devilish wickedness of mind, as to lay violent hands upon the queen's sacred person: yet what must be done to satisfy the multitude, and secure their party, must be then the question. Wherein the example was remembered of Richard the 3rd, (who though he were king in possession, and the rightful inhe-

upon he pleaded to the Indictment, Not Guilty: and put himself for his trial to God and his country. Sir Charles Davers made the like protestation, but was directed by the Court to plead to the Indictment: and so he pleaded Not guilty. Sir John Davis said, His case was different from the rest; but seeing he must plead negatively to all, he pleaded, Not Guilty. Sir Gilly Merrick and Mr. Cuffe were arraigned upon another Indictment, but upon the points of the former Indictment, saving for levying of war in London and assaulting the queen's forces there, and conspiring and plotting at Drury-house.

Yelverton, the queen's Serjeant, began the Evidence and opened the Indictment, shewed the act itself to be Treason by the statute of 25 Edw. 3, therefore for the prisoners to pretend an intent to another purpose, is no excuse. To alter the state, change the religion, inforce the prince to settle power, and for subjects to sway things at their list, is *crimen læsæ majestatis*; and all Indictments term this treason: for that subject that will rule his prince, will never be ruled by his prince; and to rule with his prince, the world may as well bear two suns as the state suffer two such governments. —For particular proofs and plain convincing of the parties, there need no other but their confessions; which he protested, as he would be credited in the world, came voluntarily from every man examined, no man being racked or tormented.—It is not unknown with what clemency the queen let pass the offence committed by the earl in Ireland: some of as great place as he, have suffered for less offence than was proved against him at his convention before the lords. But such was her majesty's clemency towards him, as not to suffer him to be brought to public trial for those offences; but he, to shew the mind he bore, impatient to expect the queen's leisure and grace, gives himself wholly to think how he may wrest the queen to his fancy. He being prisoner in the Lord-Keeper's house, the queen was contented to let him take his choice of any country in England where to live, only confined with this, that he should hold himself a subject under her majesty's displeasure; yet left to be guarded only with his own discretion. This grace notwithstanding, he ceased not to plot with divers foreigners, he sends to the Low Countries, practises in Ireland, raises spirits at home in Drury-house and Essex-house, for suppressing the queen, calling of a parliament, taking the Tower, possessing of London; and this cannot be intended without the destruction of her majesty: and all these plots, by all their own confessions, were conferred and disputed of divers times. Being sent for to come before the lords of her majesty's privy-council, the earl refuses to come; and the same night sends for all his friends and followers to repair to him. The queen hearing of this, sends the lord-keeper, the earl of Worcester, sir William Knowles, and the lord chief justice unto him. These counsellors find the outward court guarded; these counsellors coming to the earl, commanded the earl and all his accomplices to lay down force, and desiring private conference with the earl; he refuseth, and saith he will go into London, and take order with the mayor and sheriffs of the city, and will then return to them again; so confident he was of his own strength and favour of the city. The other matters opened by Mr. Serjeant were the former points laid in the Indictment.

Mr. Attorney-General *Coke*, coming to urge the Evidence, desired, because the bar was pestered, to have sir Gilly Merrick and Mr. Cuffe removed for a time, which was done. Then Mr. Attorney said, he was now to speak, not before common judges, nor of common matters, but the greatest and the weightiest cause that ever he had to deal in, though he had now served the queen some time.—The queen's Serjeant hath generally delivered the matter, and he was now to prove what had been opened, wherewith he had striven with himself to have spoken nothing of him that dead is; but unavoidable necessity forced to name him, but it should be with these two cautions: first, to speak nothing but what the very matter enforceth; secondly, to say nothing but that without all contradiction was true. The question now is not to you, my masters of the Jury, whether sir Christopher Blunt is guilty of Treason, yea or no; for he confesses himself guilty of matter which is rebellion and insurrection, and that of itself is flat Treason.

Sir *Christ. Blunt* said hereupon, that he was now a man, what through weakness of his hurt, and through grief of his action, not himself, scarce *compos mentis*; therefore desired not to be concluded by what he said, for he hoped the lords had called him thither rather to confess his faults, than to excuse or defend them.

Mr. *Attorney* said, they must now proceed, and sir Christ. Blunt is not now alone in question: but as the earl is concerned and interested in this cause, for order of proceeding, there was no man in the world but must be ruled by reason and by precedent; therefore if by these all men must, then would he so proceed against him.—Sir Christ. Blunt desired them to proceed against the others, for he would confess all that had been said. But Mr. Attorney desired to be heard against him, *ut pœna sit paucis culpa ab aliis.* Now, to shew this point of treason, the Indictment containeth the matters touching the queen's person. In private cases, if servants shall come to their masters

ritors but infants) could never sleep quiet in his bed till they were made away. Much less would a Catilinary knot and combination of rebels (that did rise without so much as the fume of a title) ever endure, that a queen that had been their sovereign and had reigned so many years in such renown and policy, should be no longer alive than made for their own turn." Bacon's Works, vol. iv. p. 534.

with armed petitions, this is a shew of disobedience, and tendeth to destruction. To prove the point of *notiora*, 8 Hen. 8, the Labourers of Kent made an insurrection against the Statute of Labourers, for the increasing of their wages. Finieux, and all the Judges then, resolved this to be Treason. Trin. 37 Eliz. the Prentices in London making a rout in Southwark, upon information made against them in the Star-Chamber, some of them were sentenced to be whipped; whereupon others conspired to rise at Bunhill, and agree to whip the mayor for suffering the Prentices to be whipped. And this intending to rise and make an insurrection, was resolved by all the judges to be Treason.—39. Eliz. Bradshaw, and others in Oxfordshire, rising to overthrow closes, and to restore tillage; the rising was at Inslow-hill, the Indictment was of Treason and conspiring the queen's death, and adjudged Treason against the person of the queen. Now, if the law make this construction of the acts of mechanical men, what shall be thought of the acts of earls, and other strong persons intending to surprize the Tower, to take the city, possess themselves of the court, to call a parliament, to change government, to tolerate religion? These intents of force must needs tend to treason. The Prentices of London, the men of Oxfordshire, were hanged, drawn and quartered.

Chief Justice *Popham* delivered the reasons of all this to be, for that by force to compel the prince in any government, is in itself Treason.

The *Attorney*. He that conspires to take London, and to surprize the Court, this doth merely concern the State: but this Catiline company, to conspire against the queen herself, this concerns more! but the toleration of religion, this of all things concerns most! for from before her coming to the crown, her majesty having holden so constant profession of the religion now established, and since her reign so blessed of God in it; and for her now, by compulsion or otherwise, to be drawn to change it, what impiety and ingratitude against God were it to think it? This quarrel for the changing of religion, was the great cause of the Spanish Invasion intended in 88, and the many treacheries against the Queen's Person, by poisoning her gloves, the pomel of her saddle, and many other ways: therefore at the request or compulsion of a subject to change this true professed Religion, her majesty would rather lose her crown, and venture her person itself in defence thereof, than ever suffer or endure it. *Adeo periculosum* is this to think? These things I have shewed for precedents. Now for story, see the Chronicles of our own kingdoms. Queen Isabel, in the time of king Edward 2: assembles great numbers, pretending for the good of the King and the Church; this was a glorious pretence! but she being upon the wings of her power, calling a Parliament in the name of the king, seeks the overthrow of the king, *speciosaque nomina culpis imponis*. But the catastrophe, the conclusion, was the smothering of the king, and putting to death the Treasurer and Chancellor: for, said she, the letter of the law is such, as we are all traitors, therefore so long as the king lives, we are all in danger. The story of Richard 2, the Act of 1 Henry 4, calling a Parliament, putting the king in Pomfret-Castle, and the king's Death following, are dangerous precedents, and too fitting these Indictments. This treason's bird hath been long a-hatching, like unto an elephant's whelp, long a-breeding, but bred in a hollow tree, and discovered before it was fledged.—It was forecast, that if they were few, it would not be acted, if they were many, it would not be concealed: therefor resolved few should know it. And upon the sudden, even when the matter was to be acted, then all to have notice of it. And for the tale of being to be murdered in his bed, or to be set upon by sir Walter Raleigh going to the Lord-Treasurer's, this was but a buz, and so invented by them for a buz: but on the other side, it shall be proved directly, that they intended to kill sir Walter Raleigh. It was objected, that the queen's forces that would be suddenly raised would be an impediment to this action; but to prevent this, it was resolved to pretend that the state generally was with them now, where it may be some may think themselves excusable of Treason, because they knew not of the Treason intended, though they were present in the thing acted. For the clearing of this, Mr. Attorney referred himself to the opinion of the Judges in the point; whereupon it was delivered by my Lord-Chief-Justice, 'That in 'case, where some pretended Treason, and 'others accompanied and assisted them in any 'action, though not knowing of the Treason 'intended, yet were they all offenders in Trea-'son.'

And for the honour of the Indictment, and manifesting the due of their proceedings, Mr. Secretary desired their Judgments, whether in case, 'When men were actors and abettors in 'such a matter, whether the law charged them 'not in this point with direct Treason against 'the Person of the prince?' Which was affirmed by the Judges to be so, and the Indictment must so charge them.

Now, for several Proofs against every several person then arraigned, he would first begin with sir Christopher Blunt, and with his own Confession against him. The Confession of sir Christ. Blunt* contained this, That the 20th of Jan. he was sent for by the earl of Essex to come up to London; whereupon he came, and was at Drury-house when the conference was there the Sunday or Monday sevennight before the going into London. But came when the conference was ended. The reason of their going into London, as they did on Sun-

* See also Bacon's works, vol. iv. p. 537, for the several Confessions relating to Essex's Conspiracy, as signed before the lords, and others of the Council.

day the 8th of Feb. was, because the alarm was given at the Court, and knowing into what hazard the earl adventured, he went with him for safety of the earl's life, as far as there might be power in him, and thought it lawful for subjects to use force for their safety, and the setling of true religion. And being asked by Mr. Attorney, Whether he was privy to the purpose of taking the Court? Said, he was privy to the conference of going to take the court, but it was a thing first to be considered of, but not resolved. And being further asked by the Secretary, if in their conference it was not resolved, that if the earl prevailed, and came to the authority he shot at, he would have suffered Toleration of Religion? answered, That he thought so; and said, he should be to blame to deny it; for the earl had many times said to him, that he liked not the forcing of men's consciences; and in his usual talk would say, he misliked that any should be troubled for their conscience. And in a second Confession, he set down, that the earl, five days before his going into London, wrote down with his own hand certain Articles to be disputed upon; whereof one was, whether they should take the Tower? another, touching the surprizing of the court? and that the earl usually spoke of this purpose to alter the government of the realm. But the examinant desired that might not have been set down, because it was no grace unto the rest.—Mr. Secretary desired to know the reason wherefore he would not have had this set down, which he understood to be, for that the confession was so liberal of matters so foul, as this being added, it would embroider the rest? But sir Christopher said, he was mistaken; but the altering of the Government being moved, and the removing of the secretary, he desired forbearance to express any further matter, for gracing of himself. And in the said Confession, sir Christopher seemed to dissuade from the attempt intended, but utterly disliked the taking of the Court at that time of the night.—For a farther Proof against sir Christ. Blunt, that he had wrought with the earl for a Toleration of Religion, and sought to seduce sir John Davis; the Confession of sir John Davis was read, wherein it was set down, that sir John Davis asking of sir Christ. Blunt, if the earl had promised Toleration of Religion, the Catholic Religion? Sir Christopher answered, that the earl gave good hope of it. And Davis in his Confession set down that principally by the persuasion of sir Christopher, he became a Catholick; therefore being taken and committed to Mr. Mompesson's, he desired Mr. Mompesson to help him to a priest. But at the bar, Davis said, that many times he had conference with sir Christopher touching Religion, but he was not the original persuader of him unto that religion; but being bred up in Oxford, his tutor, Mr. Allen, was a Catholick, and from him he took it, and hath ever lived free from giving offence by his profession; and saving this unhappy action, he hath always been loyal and obedient to law, hath accompanied the earl ordinarily at summons, and communicated with him; and the reason of his words upon his first commitment, was supposing Mr. Mompesson to have been a Catholick, did request him to help him to a priest, but grieved afterwards he was deceived in Mr. Mompesson. And the Lord-Admiral protested he knew that Mr. Mompesson was not affected to that Religion, which sir John Davis thought to be true: but said, Mr. Mompesson had not kept word with him, for he promised upon his credit not to reveal his request.

And to prove sir Christ. Blunt was an author and a chief stirrer of the rebellion in London, the Confession of lord Sands was read, wherein was set down, that he went with the earl to sheriff Smith's, but went not into the house; but being sent for by the earl, went with him, and came back with him, towards Ludgate; and sir Christ. Blunt and the lord Sands, at the chain before their coming to Ludgate, gave charge upon the queen's forces, and were both hurt at that place.

Sir Christ. Blunt at the bar confessed he was too forward in that action, and gave charge upon the pikes, but denied the killing of ..... at that place, which Mr. Attorney charged him withal; but he desired Mr. Attorney to think charitably of him, and not to charge him with that man's blood.

Then Mr. Attorney proceeded to prove, that where it was pretended and given out for a buz, that sir Walter Raleigh should have sought to have murdered the earl, that indeed they sought to murder sir Walter Raleigh, to which purpose the Confession of sir Ferdinando Gorge was read; wherein was contained, that the earl and sir Christopher, that Sunday morning that sir Walter Raleigh had sent to speak with him, sir Christopher advised Gorge to kill him: and to this end, sir Christopher sent four shot after him when he went to speak with sir Walter Raleigh.—But Blunt said, that sir Ferdinando Gorge did much wrong him in so saying; but confessed, that in respect sir Ferdinando was to be one of the principal executioners in this business, he wished Gorge not to go naked to sir Walter, nor to go home to him, but to meet him upon the water, and to take some pistols with him, that in case sir Walter should not suffer him to come off, that then he should be of force to come away, and bring sir Walter with him; and this was his advice. And being asked by Mr. Secretary, whether he thought, or was persuaded that my lord Cobham, or sir Walter Raleigh intended any such thing against the earl? Sir Christopher answered, that he did not believe that they ever meant any such matter, nor the earl himself feared it not, only it was a word cast out to colour other matters.—Gorge also confessed, that the earl intended, after he had possessed himself of the court, then to have gone into London with some principal officers of the state, carried with him, and after a while to have called a parliament, and settled things to

his liking. And Mr. Secretary said, that sir Ferdinando Gorge being confronted with the earl, had said as much; and to satisfy those questions, would have Gorge sent for.'

To prove that sir Christopher Blunt would not take notice of the Proclamation published in London by an herald at Arms, the confession of capt. Edward Bromley was read, wherein was set down, that the earl coming from sheriff Smith's house, saw in Gracechurch-street an herald at Arms, and sent sir Christopher to him, to tell him, that he should not approach the earl, for he would not hear him abuse the queen's name. And to prove that sir Christopher was a chief director of things done in the house that Sunday-morning the 8th of Feb. it was shewed, that Mr. Killegrew of the Privy-chamber coming that morning to Essex-house, sir Christopher meets him in the Court, and Mr. Killegrew told him, that he had a message from the queen to sir William Knowles; and hearing by sir Christopher Blunt that sir William was gone, he would have gone back again, but sir Christopher said, he must not go; and smiling upon him, wished him not to take it discourteously, for he must stay him.—But sir Christ. Blunt said hereupon at the Bar, that the reason of the staying of Mr. Killegrew was this; Mr. Killegrew being a gentleman whom he knew the queen trusted, he told him, he would desire him to stay in the house, and hear the matter, and see their proceedings, that so he might truly inform the queen of that which he knew would be diversly and strangely spoken of. But against this, Mr. Killegrew himself said, that he was staid by sir Christopher by these words; 'I must deal somewhat unmannerly with you, and stay you now till you have spoken with my lord:' and sent sir John Davis to go tell my lord of Essex: whereupon the earl, accompanied with divers others, came to Mr. Killegrew.—Mr. Attorney perceiving some shiftings in sir Christopher Blunt's answers, willed him to confess things plainly, otherwise he would prove him guilty of the earl's death. Whereupon sir Christopher wished that his death were worthy to restore the earl to life again; but for his Confessions, they had always been plain and true from the first, and plain to all he knew: wherein he appealed to Mr. Secretary, if he had found other by him. Mr. Secretary acknowledged that he had always found him to deal honestly and plainly.

Now, to come to the great matter against sir Christ. Blunt, and the rest. The queen's majesty having intelligence of their intended treasons, yet graciously disposed to extenuate the offence of the earl, commands her privy-council to meet at the lord-treasurer's house on Saturday at night, and that night sends Mr. Secretary Herbert to the earl, to signify unto him, that it was the queen's pleasure he should repair unto her council there; but the earl refused to come. Mr. Secretary Herbert, the rather to invite his coming, offered to go in the coach with him alone without any light, or take boat and go by water, that they should go and come without being discerned by any; but the earl still refused. Sir Christ. Blunt confessed he heard of Mr. Secretary Herbert's coming, but wished to God he had dealt more peremptorily with the earl. Mr. Secr. Herbert said, he was not to be more peremptory with him than in the words of the queen's own message, which he delivered directly. Mr. Secr. Cecil affirmed, that such was the respect given to the earl, and that nothing should break out to the understanding of others, as it was once resolved all the council to have gone home to him to his own house. Sir Christopher said, that the earl kept very secret to himself the cause of his sending for to the Lords of the council, and what Mr. Secretary Herbert's message was; for being asked what it was, he said, that such was the queen's opinion of him, for all those disgraces, as her council being to consult of great matters, she had sent to have him amongst them, and to have his opinion.

Mr. *Attorney* further urged, That the queen's exceeding favour rested not there; but even the same Sunday morning before his going into London, the queen sent Mr. Sec. Herbert to him, to signify to him, that her pleasure was he should come before her council, which he refused again; and thus was it true with him, that *consuetudo peccandi*, did *tollere sensum peccati*. Her majesty notwithstanding, after both these refusals, vouchsafeth again the sending unto him, maketh choice of his best friends and nearest allies he had in the court; the Lord-Keeper, the Lord-Chief-Justice, two that loved him exceedingly well while he stood a good servant and a true subject; the earl of Worcester and sir William Knowles his near kinsmen. These lords valiantly, (for so I will term it, and to their honours I will speak it, that it shall appear that in some gown-men there rests as valiant minds, where the cause requires it, as in them that wear swords:) The Lord-Keeper stoutly, in the midst of his armed troops, commands the earl upon his allegiance to desist from his purpose, and to lay down arms; when others in the tumult cried, My lord, my lord, you stay too long; others, said, Kill them! kill them! and, at this time, Blunt advised the earl to imprison them, which is Treason in itself.

But sir Christ. Blunt said, that his advice to my lord then was, that the place was unfit to talk in, being openly in the court, and that therefore he would withdraw into some some private place.

But my L. C. J. *Popham* said, that he himself hearing the company tumultuously cry 'Away, away, you lose time;' hereupon he stept to the earl, and persuaded him to withdraw into some place private, and there to consult with them. And to manifest in what manner the lords were received and used, and how they found the house at their coming in, a Narrative was read, set down by my Lord-Keeper, all under his own hand-writing, which was thus: That coming to Essex-house the 8th of Feb., about ten of the clock in the morning, they found the gates

shut. Upon their knocking, the wicket was opened, but none of their servants suffered to enter in with them, save only J. Hughs, who carried the great seal. From the gate to the house-door stood a guard of shot on both sides; at their coming in, the company assembled tumultuously together; before their coming to the hall-door, the earls of Essex, Rutland, and Southampton came and met them, and divers others flocked about the earl. The Lord-Keeper stepping to the earl of Essex, told him, that they were sent to know the cause of their grievance; if there was any, the queen would hear it; but hearing that he had assembled so many into that house, and not knowing for what cause, the queen had commanded them to command him to disperse those companies. The earl answered, that his life had been sought; he had been perfidiously dealt with, and for his defence that company of his followers and friends were gathered together. The Lord-Keeper answered, if any such matter was, he should be heard and relieved. Hereupon the earl of Southampton said, 'that he was assaulted in the street by the lord Gray.' The L. C. Justice answered, he had justice for that. The company gathering thick about them, the Lord-Keeper desired the earl of Essex to draw aside; and they conferring secretly, the company cried, All, all. The Lord-Keeper told the earl, that if he had any wrong done him, he should be honourably righted. Then the company cried, 'Away, away, my lord, they betray you, they undo you.' All this while they were bare, but hereupon the Lord-Keeper put on his hat, and commanded the earls upon their allegiance to desist, and lay down their weapons: and private conference being again desired, they were carried up into the great chamber, and as they went, some said, 'Throw the great seal out of the window;' some said, 'Kill them, kill them;' others cried, 'Away, away.' Then they were led into one of the earl's closets. The Lord-Keeper pressing to speak with the earl, he said, My lord, be patient a while; I will go take advice, speak with my lord-mayor, and the sheriffs of London, and will be with you again within this half hour. Then the earl departed, and left them to the custody of sir John Davis, sir Christ. Blunt, and sir Gilly Merrick. The lords being thus in custody, desired leave to be gone, or that they might send one to the queen to let her know how they were used; but this was denied them: and answered, that the earl would return shortly, and till his return they must not let them go.

The earl of Rutland's Confession being read after the former Narration of the Lord-Keeper's; thereby it appeared, that the earls of Essex and Southampton, and sir Christ. Blunt, of long time had been discontented, and that Blunt many times advised the earl to stand upon his guard; and it was the advice of the earl of Southampton, Blunt, and Davis, that the lords should be detained.

For the earl of Rutland himself, Mr. Secretary said, he thought him not to be acquainted with the Plot; and the earl of Essex himself had said, that the earl of Rutland was not privy to it: for his conceit of him was, and thus said, that the earl of Rutland knew it but two hours before. And, said Mr. Secretary, if equality of justice would suffer it, he wished that no blood more might be spilt: for it was not the blood of any man that was required, and the queen should gain more by their lives than by their deaths; and doubted not but her majesty, in this lamentable accident, would triumph in mercy, but where and when there should appear no other cause but merely her exceeding mercy. The earl of Rutland's Confession shewed further, that Blunt, when their going to the court was intended, said, O how fearful, and of how several humours shall we find them, when we come to the court!

Further, to enforce the hard usage of the lords, the Confession of one Whittington was read, who said, That after the Lord-Keeper and the other lords were in the inner room, other company coming up towards the place, swore they would stab and kill the counsellors; whereupon Whittington sent to the earl of Essex, how violently some men pressed, how cruelly they meant against the counsellors? Sir Christopher hearing these words, said, it was no time now to make orations. Whereupon the earl of Essex presently departed, and word left, that if the earl of Essex miscarried in London, or if they offered to escape before his return, then the Lord-Keeper and the Chief-Justice should be killed.

The L. C. J. hereupon asked sir Christopher, Why they stood at the great chamber-door with muskets charged and matches in their hands; which, through the key-hole, the L. C. J. said, he discerned? Davis answered, and said, he was charged with the custody of the lords, but against his will, for he much more desired to have gone with the earl into London, and that the earl of Southampton, sir Charles Davers, or some other might have kept them; but the earl of Essex said, No, he would but go take order with London, and come again within half an hour, in the mean time he should keep them. Then captain Salisbury having the guard of the muskets, was very violent and so disordered, as he doubted what he would attempt, and, contrary to the will of others, brought up the shot so near the door. And sir John Davis said, that lest the fury of Salisbury should attempt beyond that was meant, he sometimes passed amongst the shot, and to satisfy the lords that no harm was meant them, he came in to them, whom when he perceived in some fear, he assured them that there should be no force offered them.

But the L. C. Justice told sir John Davis at the bar, that he had no reason to think they were in fear, and bade him tell what words the Chief-Justice then used, which were these: If they did take their lives, it was but the cutting off of a few years; and when Gorge came, and would have let out the L. C. Justice only, he refused to go except they might all go; and

said, as they came together, so they would go together, or die together.

And sir John Davis said, that the better to assure the lords that no harm was meant them, he went up to the ladies, and intreated the countess of Essex to come down, and be amongst them: she making some pause at it, saying, With what comfort can I go amongst them? He persuaded her to go and be amongst them, the better to assure them that no barbarous usage should be offered unto them. And that he behaved himself respectfully towards them, being uncovered before them, when others stood covered by them: and such provisions as the house had, he prepared for them, and set them a dinner.

But the L. C. Justice said, My lord-keeper and he told Davis, they would eat none of my lord's meat.

But at the coming down of the countess amongst the counsellors, sir John Davis said, that he perceiving the lords in great doubt what the earl meant, and hearing them say to my lady, What a strange course is this the earl of Essex taketh? Thereupon sir John Davis said, that if he did perceive that the earl intended any hurt unto the queen, his sword should be the first that should be drawn against him. And the L. C. Justice asking what was become of the earl all that while, they having then staid from eleven of the clock till it was almost two, said, the earl will be deceived of his purpose if he hope upon the City, for the citizens are faithful to the queen. Then Davis answered, the earl had good hope of the City. It being replied, That perhaps some loose people might fall into him, but he could have no good hopes of any that were substantial and good citizens; Davis said, my lord is sure of the city, for of 24 aldermen he is sure of 21, and my lord in this action will set such aids in the City in all places, as no spoil shall happen.

But to the honour of the City of London, Mr. Attorney often repeated, that of all the City, not one man, save only one sorry prentice, was found to take part with, and of Inns-of-court-men, not one man that followed him.

Sir John Davis being farther asked, when he first was made acquainted with this purpose of the earl's? He said he knew not of it till the Sunday sevennight before their rising, and then their purpose was to surprize the court at such a time as he should have small opposition; and that they met twice that Sunday or Monday before their rising, at Drury-house, when they consulted about surprising the Tower and the court. But debating long, they could not agree; whereupon breaking off, the earl said, he would set order for all himself, since they could not agree on it; which were the earl of Southampton, sir Christ. Blunt, sir Charles Davers, and sir John Davis.

Hereupon Mr. Secretary told sir Christopher that the earl had confessed that he had been a principal instigator of him to these acts, and a mover of him to plots more pernicious to the state than these.—Sir Christopher Blunt said, Hath my lord that gone is, said so by me? Well, since I am so nearly touched in honour, and my reputation so far charged, I will tell you, Mr. Secretary, what I have counselled him, and what I have kept him from.—Mr. Secretary said, the earl for part of his sacrifice to God, had left it under his own hand all that he could disclose of all confederation in this matter.

Sir Christ. Blunt seemed ready at the bar to have disclosed farther matter against the earl, but referred to my Lord Admiral and Mr. Secretary, whether he should there utter it, or privily deliver it to them two? which afterwards he did, being brought into the Court of Wards to them after Judgment was given.

Mr. Attorney proceeding with his Evidence, desired attention, saying, That the last day he gave Evidence against the earl, since which time it had been rumoured, that though the letter of the law was strong against the earl, and his act expounded by the law to be Treason, yet his intention was not to touch the queen's person or her state. But the earl himself (whose soul he doubted not but was with God, for his end was most penitent and Christian) before his death revoked all his Justifications made at his arraigning, save only one original purpose, not to lay hands upon the queen; and took it upon his death, that he meant not to lay violent hands upon the queen's person; yet remembering the tumultuous behaviour of them in his company at his house, said, that he feared he should have been forced to some wrong against the queen's person.

Whereupon the Lord Admiral affirmed, that the earl of Essex said, It was fit he should die, for the queen could not live and he too.

Mr. Secretary also delivered how clear a Confession the earl had made of all things; how long time four of them of her majesty's privy-council at his intreaty had spent with him in the Tower upon Saturday before, and how he had revoked those imputations he had cast upon some men, and those asseverations he had in his own defence. Therefore, for his part, he must needs judge charitably of him, and forgive such wrongs as the earl had done him; and if the diabolical imputation which the earl at his arraignment cast upon him, further moved him to impatiency than his wont was, or was fit, he desired them that heard it to pardon him, for the provocation made him to forget all bands of speech.

Now was read some parts of the earl's last Confession, which contained four sheets of paper, all written with the earl's hand; and it being shewed to Cuffe at the bar, he acknowleged it to be the earl's hand-writing. Out of the earl's Confession this was only read: That Blunt, Cuffe, Temple, and some others, though they were not present at Drury house, yet they were privy to more dangerous practices and plots than these. And Cuffe being brought face to face before the earl, the earl charged him to call to God for mercy, and deal truly with the queen; for he being to go out of the world, must deal truly with his soul. Cuffe said,

it was long before he could be allowed pen and ink to write; else the earl himself would have cleared him, as he did in these things, that in a few words he set down; which being read to the earl, he said, true; and still as he read, he said true; out of which Cuffe would infer, that the earl being truly remembered of things passed, would have cleared, and not left an accusation upon him. But these seemed to be other matters than such wherewith the earl had charged him. And Cuffe denied not, but being confronted by the earl, the words aforesaid were used to him. Then was read an abstract of the earl's Confession in these words: "He thanked God that he was thus prevented, for otherwise he knew not what misery might have befallen this land. He said, that men would wonder, if they knew how many motions had been made unto him, to remove the evils of the commonwealth. He confessed that his rebellion was first plotted when he was prisoner at the Lord-keeper's house; he intended to have surprized the court with a power of men, and afterwards the Tower, to have countermined his actions, and been a bridle to the city, and then to have called a parliament. He said, that London was a danger unto his soul, and the cause of his rebellion; for if he had not trusted to those of London, he had not taken this course. He called the men of London a base and cowardly people, saying, That he drove them from their barricadoes with two rapiers a-cross, and would undertake to sack London with 400 men. He called himself a burden unto the commonwealth to be spewed out. He called this his sin, a great sin, a bloody sin, a crying sin, and an infectious sin, infecting with a leprosy both far and near. He desired his life to be shortened, for that he knew the queen could not be safe so long as he himself was living. He desired private death, to avoid the acclamations of the people."

This abstract read, sir Christ. Blunt said, he must needs confess he was privy to the spleen that was carried against Mr. Secretary, and was too far consenting to his hurt; but never gave allowance, or was mover of the earl to this plot. —Mr. Secretary interrupting him, wished him to conceal nothing that tended to the discovery of these treasons. For matter of injury intended against him, he wished not the naming of them, he did forgive them.—Sir Christopher said, that was favour out of his charitable disposition, more than he himself was worthy of.

Mr. *Attorney* proceeding, said, the queen had charged those of her council to say nothing in this business, but what might plainly be proved, if it were objected; for she would go with her justice untouched: therefore he would open matters, and which though they of the Jury need not to take as any part of their Evidence; yet because they were true, and fortified the matter divulged and proclaimed through the realm, for the honour of the queen, though against an earl that was executed, he would disclose unto them how this Treason had a deeper root than most were aware of: wherefore you shall plainly have it proved unto you, That there was a correspondence betwixt the earl of Essex, sir Christ. Blunt, and the Arch Traitor Tyrone; and this shall be proved unto you by the earl's own creatures. Thus it fell out, after he had 16,000 foot, and 1,300 horse under his charge; such an army, as he himself said, should make the earth to tremble where he went. It was pretended by him that he would go into the north against the rebel, but never intended, as appeared; for Lee must go to the rebel, but the earl must not know it; and Blunt must suffer it, being Marshal, but give no warrant for it. Lee goes to Tyrone, finds the rebel up in proud terms against the English nation, railing against the earl of Essex, as that he sought his life, and hired some about him to perform; which was a baser thing than ever he had offered to his father, or would do against him: but these terms were after qualified. Lee returning, brings answer from Tyrone, that he desired conference with the earl, and would give his son for pledge; and sends word, that if the earl would follow his counsel, he would make him the greatest man that ever was in England. Lee being returned, the earl of Essex repairs to the place where Blunt lay, where this being told him, he shook his head at it; but said nothing. Now the earl of Essex gathers his army towards winter, takes his journey towards the north, goes with pretence to fight; but coming there, entertains a parley with the rebel; being jealous lest any should hear it, takes order that the earl of Southampton should keep all men from coming near, and he alone goes to parley with the rebel. The effect of this was confessed by Lee while he lived, and to make it evident, the plotting of Treason between those two earls, you shall understand it by an intelligence that passed, which, were it not the thing had been severally plotted, it had been impossible to have been advertised, for no bird upon her wing could have carried the news in that time. Sir Wm. Warren, a man most trusted by the rebel of any Englishmen, he went to Tyrone the 28th of September; the earl of Essex landed in England but the 26th of September; and Tyrone could then tell Warren, that he should see a strange alteration in England shortly, and it should not be long ere he should see him have a good share in England. This passed in the north of Ireland. In the south of Ireland, one Mac Pueys, secretary, confessed, That it was agreed the earl of Essex should be king of England, and Tyrone viceroy of Ireland. In the middle of Ireland, Fitz-Maurice, sister's son to Tyrone, affirms the same, and says, that whensoever the earl of Essex should need men; then it is agreed, that Tyrone shall find him a continual supply of 8000 men; and Fitz-Maurice hearing these things agreed betwixt the earls, sends to know what he will have to do, lest he enter into attempt to the cross of their purposes. The earl of Essex being commanded by express letters that he should not come over, he notwithstanding comes over, brought all the

strongest provisions away with him, left the kingdom at all adventures, only trusts the rebel Tyrone's word for the safety of that whole kingdom. It may be thought these things more fitly should have been urged against the earl himself; but the cause was, one, the shortness of time; another, because all the lords were satisfied, and said there was Treason full enough proved against him, and it satisfied to condemn him. And when I was there entering into this matter, the lord Steward said to me, Mr. Attorney, I perceive you have more to say, but I enjoin you silence for the rest.

Now for Proof of these things thus plotted in Ireland, the Confession of Lee was read, who was a man the earl had good opinion of, and he so devoted to the earl, as he wished his own head might have suffered for him. Lee confessed, that on the Sunday, when he heard they were proclaimed Traitors, he was mightily discontented and grieved at the imprisonment of the earls, and stuck not to profess unto some, that he could be contented to spend his life for their delivery, and thought it an easy matter to be performed, if six resolute gentlemen would undertake it, and named them. And whereas the earl denieth that ever he sent him to Tyrone, yet he thought the earl knew when Blunt sent him for this reason, that the marshal never did any great matter without the earl's privity: and that this matter was such, as the marshal would give him no warrant in writing for it. And when he was returned from Tyrone, the earl of Essex then made a secret journey to Blunt's house, where Blunt lay hurt. And Lee said, that at his coming to Tyrone, he found him proud, and railing at our nation, and said that the earl had hired some to take his blood; but afterwards told Lee that he had sent Essex a message by Snode his secretary, that if he would agree with him, he would make him the greatest that ever was in England. And Lee further confessed, that he knew Essex, Blunt, and Tyrone were all one, and all held one course.

Sir Christ. Blunt confessed, he knew of Lee's going to Tyrone, but denied that he had ever notice what he said to Tyrone. It was true, he gave leave unto Lee to go to Tyrone, and the earl of Essex was privy to it; yet the earl in his life denied it.

But my L. C. Justice noted, That it was a thing agreed upon betwixt them, that Lee and Blunt should take this upon them; and for the fact, Lee and Blunt should have a pardon granted them, which was done by the earl: this being about the 8th of August; yet the earl of Essex wrote over hither to the lords of the privy-council, the 14th of August, in these words: 'Your lordships would not think what 'cowardice these fellows are grown to; yet 'must these fellows be taught courage to fight, 'or else this rebel will never be subdued.'

Further was read, a Letter all of the earl's own writing, dated the 8th of Oct. written to the lord Mountjoy, after his being in Ireland, and the earl here in England; signifying 'that 'Lee is one so near to me, 'as I must needs 'intreat your lordship to do what you can for 'him, though it is not in your power to do 'what you would; you shall find him a man 'of better service than any is in Ireland. 'When I came thither, I found him in good 'place, and sometimes he entertained me to 'his great charge; which with your favour 'you must enable him to again. And let it 'be my suit to you, to do him what good you 'can.'

From out of these Letters, it was urged by Mr. Attorney, that Lee was a man wholly plotted for him. The 26th of Sept. the earl of Essex came to the court; the 28th of Sept. capt. Warren talks with Tyrone. Warren confesseth, that Tyrone sware, that within two months he should see the greatest alteration, and the strangest that ever he saw; but Warren understood him not. Then said Tyrone, I hope ere long to have a good share in England.

The Confession of one Knowd, secretary to Owney Mac-Rorey, taken the 16th of Feb. was read, wherein was set down, That Owney Mac-Rorey having secret intelligence of the plot betwixt the two earls, Essex and Tyrone, wrote and sent so twice, and desired to be advertised thereof, that he might do nothing contrary to their designs. But Tyrone grew suspicious, lest the matter should break out too soon: yet the effect of the answer was this, that the earl of Essex should be king of England and he viceroy of Ireland. And that for a while he should attempt nothing upon the English; and proved, that the earl had left sixteen barrels of powder in the north. And Knowd being asked by a gentleman, upon his returning out of the north, what news? Said, it was agreed, that Essex should be king of England, and Tyrone viceroy of Ireland.—Turlagh Mac-Davy O Kelly, being a messenger from the M.... rebels, and brought the answer to ... said, the earl of Essex was to go for England, and take that kingdom, and they to help him; and among those rebels it was reported, the earl of Essex wrote a letter to the earl of Tyrone, to follow his matter thoroughly: for now was the time.

The Confession of Thomas Wood, sister's son to James Fitz-Maurice, Baron of Lixnow, and a man in great credit with this baron, was read; wherein he sheweth, That being with James Fitz-Maurice at his house, about Michaelmas, when the earl of Essex came over from England, Fitz-Maurice asked him what friends the earl of Essex had in England? Who said, he knew not; but heard the earl was well beloved in England. Then Fitz-Maurice told him, that the earl of Essex was gone for England; had discharged many of the forces, and that the earl of Desmond had sent him word, that it was agreed the earl of Essex should be king of England, and Tyrone viceroy of Ireland.

Hetherington's Confession, and some others,

were spared reading, because they only concerned the earl of Essex.

Now Mr. *Attorney* opened, that notwithstanding all those plots, practices, and treasons, were known to the queen; yet, after all this so graciously her majesty regarded him, and was pleased to cover his offences, as to have him privately to come before some of her privy-council only at the lord-treasurer's, sent one of her secretaries twice to him, offered to pass in all secrecy; nay, Mr. Secretary said, for saving his honour, that none should take notice of any thing. They once all proposed to have gone home to Essex-house to him, and during all the time of his restraint from court, his letters have always had free passage to the queen, and she ever gave the reading to any thing he sent. Wherefore, Mr. Attorney said, the action of breaking out into that it did, it was a great mercy of the queen's, that in *flagrante crimine* he was not, according to the martial law, presently put to the sword.

And here the Evidence ended against sir Christopher Blunt.

And then Mr. Solicitor General urged new Evidence against sir Charles Davers.

Mr. Solicitor *Flemming* beginning, said, He would prove sir Charles Davers guilty of all the Treasons charged against sir Christ. Blunt, and that he was a principal plotter, disputer, officer and actor in all their treasons. In fine, he was assigned to be keeper of the presence-chamber; where, upon a signal given, all the nobles to assemble, and passing to the privy-chamber to present themselves to the queen: and for making their way first, they should apprehend sir Walter Raleigh, captain of the guard; and afterwards some of the privy-counsellors, and some other lords. These being seized upon, they should afterwards have been put to an honourable trial, and afterwards a parliament should be called, and government established; and so principally did the earl of Essex count upon this gentleman, sir Ch. Davers, and so secret did he hold him to him, as that before Christmas last the earl discovered his intent to him, and told him he would lay such a plot for taking the court, as he would not be resisted. And when sir Ch. Davers was in the country, the earl would not enter into consultation about the business, until sir Ch. Davers came up; and messengers were dispatched presently for him. Upon his coming up, a meeting was had at Drury-house, where divers projects were made, Davis, Davers, Blunt, Gorge and Southampton being present, amongst whom it was agreed, the taking of the Tower to be very fit, for the better countenancing of the action.—The chiefest defence and pretence that sir Charles Davers used, was the great love he bore to the earl of Southampton, who heretofore had caused him his pardon, and having gained him his life, he thought he owed his life unto him in any thing he should command him.—But Mr. Solicitor said, it behoved him rather to have been grateful and serviceable to the queen, who gave him life, more than to him that sued for his life. But this was the just revenge had of God, that followed for the foul murder he had committed.—Sir C. Davers perceiving that his act had extended to Treason, although he intended no harm unto the queen's person, said he was sorry he had so far forgotten himself as to plead Not guilty; for it was not his purpose coming thither to defend, or deny any thing, but to confess all things that could be said against him: therefore confessed, that before Christmas the earl advised with him, how he might make his way so to the queen, as that his access to her should not be resisted. But this was not resolved till his return out of the country. When at Drury-house, they meeting, and Littleton coming thither; at the last, it was resolved, the plot set down by the earl's own hand, were first to take the Tower: for reason he yielded this, it would be a countenance to the action; the taking of the court, for which he would have so many able men, as they would at any time possess all the places of the court. The manner to be this: sir Christopher Blunt to have the gate: sir Gilly Merrick, the hall; sir John Davis, the great chamber; sir Charles Davers, the Privy-chamber; the earl himself should come all along by land: at his coming into the great chamber, he should put himself betwixt the halberts, (meaning, that he should step to the corner where the guard usually set up their halberts against the wall) and possess himself of them, so as by them he would have no hurt, and perhaps he should find of the guard apt to take his part.—My Lord-Admiral said, it was a fair warning to the guard, that they use not that fashion of setting up their halberts in that manner.—When the earl was thus come into the great chamber, divers of the lords should come out of the presence thither, and saluting him, to welcome his coming to the court; then the earl with ten or twelve noblemen, to take their way into the Privy-chamber.—It being asked, what should be done with them that should make resistance to this attempt? it was answered, it was meant they should be seized upon. And the court being quieted, then to send to satisfy the city: and then not long after, to call a parliament.

A further Confession of sir Charles Davers being read, there were set down the substance of the earl's former Articles, and these questions farther propounded; as, whether the court and Tower should be attempted at one time; and whether this attempt should be with many, or with few; if with many, where the number should assemble; and whether it should not be fit for the earl and some others to be armed with privy-coats, and who were fittest persons to have custody of the lord-admiral and the secretaries?—These and some further matters also, sir Ferdinando Gorge confessed were disputed upon.

And said Mr. Secretary, since this is a world wherein princes must be accountable for their

doings to their subjects, that men should not marvel why like proceedings were not had against sir Ferdinando Gorge as these, the reason of forbearance was not that he had deserved better, or was otherwise conceited of, than to be an Arch-Traitor: but because he was the instrument of saving and letting go those that were sent from the queen to Essex-house: and for this cause divers of her majesty's Privy-council had been suitors to her majesty for sparing his life for a time, though for their opinions of him, they held him an original and principal Traitor; and that he advised more mischievously than any other, for he would have had the Court fired upon the taking of it. Sir Charles Davers still professed, as he had done often, that he was privy and a disputer of all these plots, but never was any deviser of any, or instigator of my lord in these things. Sir Christ. Blunt for further clearing himself, says, he knew not of this plot till his coming to London, upon the earl's sending for him; that they had allotted him to place, he knew: but to what office, he knew not. And the more to be commiserated, he besought the Lords Commissioners to remember what natural considerations were to tie him to the earl, having married his mother. Now to how many adventures the obligations of love, and following of that earl, had before carried him, the world did know; and how liberal, prodigal and venturous I was of this life of mine, while it was my own, good Mr. Secretary please to remember and report truly to the queen. I beg it of you, because I have most offended you, and have no cause to expect it, but from the bounty of your honour and charity.

Mr. Secretary told him he freely forgave whatsoever he conceived might give cause to him to be offended, and would truly perform for him what he desired, and would desire my Lord-Admiral to join with him in it; though he said he need not seek it of them, for the queen would require it at their hands to be truly informed of all their desires.

Then said sir Christopher, I must needs confess that heretofore, I having done much to her majesty's service, adventured my life many times, as the marks of this my wretched carcase will shew; hazarded my fortune when it was at the best, and all for the honour of her majesty, and in her service, and yet she never vouchsafed notice of me or my service: it gave no little discontentment to me, but this never had the power to have an ill thought against her majesty. Therefore once again I beseech you, that being as I was to that earl, you please to relate to her majesty what you find by me, and what I have said to you. And to stay any fury going upon me, I here confess myself guilty of all that can be said against me, and most worthy to have deserved death; wherefore renouncing all justification or extenuation of my offence, I wholly cast myself at her maj.'s mercy. Sir Charles Davers made the like protestation.

And so ended the Evidence against sir Charles Davers.

Against sir John Davis, Mr. Francis Bacon urged the Evidence, beginning with discourse upon the former ground of Mr. Attorney's, that every rebellion implied destruction of the prince, and that in the precedents of Edw. 2, and Hen. 4, the pretence in both was as in this, against certain subjects, the Spencers in one, and the Treasurer in the other. And this stile of protestation that no harm was intended to the person of the sovereign, was common in Traitors. Manlius, the lieutenant of Catiline, had that very protestation; but the proceeding is such in this, as no long discoursing needs to prove it Treason, the act itself was Treason. The principal offences charged upon sir John Davis were two, one that he was a plotter, and of the council at Drury-house: another that in the insurrection he had the custody of the Privy-Counsellors in Essex-house, which had a correspondence with the action in the street. The plot and insurrection entered into, was to give laws to the queen; the preparation was to have a choice band of men for action; men not met together by constellation, but assembled upon summons and letters sent: for, said Mr. Bacon, I will not charge sir John Davis, although he be a man skilful in strange arts, that he sent spirits abroad, but letters were sent about this matter. The things to be acted were the matters consulted of, and then to design fit persons for every action; and for mutual encouragement there was a list of names drawn by the earl, and these counsellors out of them were to elect fit persons to every office. The second plot was in taking of the court, and in this consultation he was *penna Philosophi-scribentis;* you were clerk of that Council-Table, and wrote all: and in the detaining of the privy-counsellors, you were the man only trusted. And as the earl of Rutland said, you held it a stratagem of war to detain pledges, and was meant to have carried the lord-keeper with the Great Seal into London; and to have had with you the lord-chief-justice, a man for his integrity, honoured and well-beloved of the citizens; and this Achitophel plot you thought to have followed.

Sir *John Davis* hereupon told Mr. Bacon, that, If, with good manners I might, I would long since have interrupted you, and saved you a great part of labour; for my intent is not to deny any thing I have said, or excuse that I have done, but to confess myself guilty of all, and submit myself wholly to the queen's mercy. But in that you call me Clerk of that Council, let me tell you, sir Charles Davers was writing, but his hand being bad, I was desired to take the pen and write. But by and bye the earl said he would speed it himself; therefore we being together so long, and doing so little, the earl went to his house, and set down all with his own hand, which was formerly set forth, touching the taking and possessing of the court.

The Examination of sir John Davis was read, which was to the effect as before is set down touching their consultations of taking of the court; but added, it was agreed they should all

come by land, and make their way to the queen's own person, and hoped to find way in the court indifferent.

The Lord-Admiral then charged sir John Davis again with the detaining of the lords in Essex-house, and his unwillingness to have let them go, though sir Ferd. Gorge came with a message, as he said, for letting them all go. And said the Lord-Admiral, the case was hard with these worthy counsellors: for by God he swore, though these counsellors had been in the house, yet being as he was, general of the forces, and sent to force the house, he must and would have battered and blown it up, though it had been the death of them as well as the rest; and had all his own sons been there, he would have done it.

It was also charged against sir John Davis, that not ten days before this action, sir John Davis and sir C. Davers were seen upon the top of the White Tower, within the Tower, viewing and surveying the place; but they said it was only for pleasure, to take view from thence, being there confessed, that they affirmed the Tower was a place of small strength. —And here ended the Evidence against sir John Davis.

Then Mr. Attorney took in hand the Evidence against sir Gilly Merrick and Mr. Cuffe. To Cuffe, Mr. Attorney said, that he was the arrantest Traitor that ever came to that bar; he was Poly . . . . . the very seducer of the earl; and since he was a scholar and a sophister, he would frame him a syllogism, and bade Cuffe deny what part he would. The syllogism was this, 'Whosoever commits rebellion, intends the queen's death; but you committed rebellion: *ergo*, you intended the queen's death.' For the *polypragma*, this fellow, the cunning coiner of all plots, how to intrap a worthy gentleman, whom I am sorry to see so overtaken, I must name sir Henry Nevil: this Cuffe hearing of sir Henry's landing out of France, watches his coming to London, presently comes to him, and tells him, he had commendations unto him from the earl of Essex, and secretly lets him know what private intelligence my lord had received from court by some his inward friends; that much mislike was taken at court with sir Henry's service in France; especially that at Bullen. Sir Henry Nevil said, it was more than he knew or had heard, but recommends his service with thanks to my lord. Shortly after sir Henry Nevil came to the court, the queen used him very graciously. The lords interpreted very well of his service; now at his next meeting Mr. Cuffe, sir Henry told Cuffe, he found no such matter at court as he told him. Hereupon Cuffe replied, Oh, sir, things are altered since I saw you last, and ere long you shall see a change: my lord is like to come in favour again, and be restored to his greatness; and using one other verse, concluded with this, *Arma ferenti omnia dat, qui justa negat*. Cuffe still making resort to sir Henry Nevil, finds opportunity when to disclose unto him all the earl's plot of going to the court; who hearing it, objects against it, that it was a thing could not be executed but by many, and all would not keep counsel. Cuffe answered, that for execution they had so many come in to them, that they knew not to entertain all. A further objection being made, that though all places in the court were possessed, yet Westminster would rise, and make force; Cuffe answered, we having the face of the state, all will follow and take with us.

For manifestation of all, the Narration penned by sir Henry Nevil himself, was read in these words: 'Their honours commanding him 'to disclose all, and his duty and conscience 'binding him to the same, he hath in that ill-'couched Narration set down all his know-'ledge. First, at his arrival out of France, he 'was told that he had ill offices done him in 'court by divers, and some of great place; 'and his actions at Bullen, and carriage there, 'greatly blamed, as causing the ill success of 'the peace. And by Cuffe it was told him, 'the earl would have him know he was wronged, 'because he was one that loved him. After 'this, Cuffe brought him a letter from the earl, 'thereby desiring his love, and to hold it to 'him, besides many other words only of com-'pliment. To which letter sir Henry returns 'an answer suitable to so kind provocations. 'But all this while I never went to him; and 'being in the country within ten miles of the 'earl, yet I never went to visit him. But 'Cuffe came to me from him, and told me the 'earl was now at liberty, and all the world that 'would, might now freely come unto him: but 'still I put off my going, till at one time Cuffe 'came and told me my lord expected my com-'ing to him, and such a day he would stay 'supper for me; and if I came, and he chanced 'not to be in the way, a gentleman of my 'lord's should attend my coming, and bring 'me to my lord's closet. About eight of the 'clock that night I came to my lord, and was 'met by a gentleman, and brought up to my 'lord; who entertained me kindly, and after 'a while, after many questions of his hopes, but 'used no undutiful words of the queen or 'state, I parted with my lord, there having 'nothing but ordinary terms of compliment 'passed us. Afterward Mr. Cuffe repairing 'often to me, I asked him at one time how his 'lord's matters stood in court. At one time he 'answered me, Well; and told me of great 'hopes conceived; at some other time he an-'swered me very discontentedly in these things, 'saying, it made no matter, it would cause my 'lord to take other courses; and said, there 'was a pretext to lay up the earl of Southamp-'ton, which was a warning that they meant to 'lay up the earl of Essex after him: but my 'lord was resolved they should never curb him 'up any more. Then told me, my lord had in 'purpose some matters, but I should not em-'bark myself further in them than I listed; and 'desired me to give a meeting to the earl of

'Southampton and sir Charles Davers. I said, 'I would, but with this limitation, that nothing 'was intended against the queen's person: 'which was promised. But I detained them 'at two meetings, which caused them to make 'an ill judgment of my meaning towards them 'and the intendment. Monday on Candlemas-'day I standing in Serjeants-Inn Gate, the 'earls of Essex, Southampton, and sir Christo-'pher Blunt passed by in a coach, whom I 'saluted passing, and was the first time I had 'seen them of long. Anon after, Cuffe coming 'to me, told me he had a commission to deli-'ver a secret unto me; which was, that my 'lord finding his life sought by men potent 'about her majesty, he was advised to make his 'appearance to the queen, and go with strength 'for that purpose; describing the same manner 'of taking the court, and making way to the 'queen, as before is set down by others. This 'Cuffe said he was to impart to me, as one in 'whose love the earl was confident. (But Mr. 'Secretary said, as he was grieved to think of 'this gentleman's full respect, his worth and 'abilities to have done the queen great service, 'so this right he would do him, that however 'the earl was persuaded of him, yet he so far 'tendered his duty to the queen, that I think 'the first suspicion given of the earl's mind grew 'from this gentleman.) The matters being 'propounded unto me, I made many objec-'tions, and put great difficulties in the execu-'tion; easy perfecting of things being promis-'ed, my answer was, *Multa sunt quæ non lau-'dantur nisi cum aguntur.* When some per-'sons were named for the actors, I objected, 'that if many knew it, it would not be con-'cealed; if few were used, it would not be 'performed. The earl of Rutland being named 'for one, said they would not trust him long 'aforehand; for if he knew it but two hours 'before, he would tell. In conclusion, I was 'desired to think of the things propounded in 'case they were shewed unto me. Afterward 'Cuffe came unto me, to whom I related all 'the speeches used in that conference, and told 'him I would not allow it, except they would 'conjure and take an oath to tempt nothing 'against the queen's person; and against Mr. 'Secretary, I would never do nor consent to 'any thing, for he was nearer unto me, there-'fore they must *duce pudice*, spare me in that. 'Cuffe said to me, they would only have me 'present when things were doing; and if it 'fell out so, that I should be hastened to dis-'patch into France before that time, I might 'defer it by feigning sickness. By their ap-'pointment I should have been secretary.' (Here Mr. Secretary said, Cuffe, this was great presumption, for though to remove me had been no great matter, yet to take upon you to place another, this was high ambition.) 'Fur-'ther, it was required that sir Henry Nevil 'should have sent a minister into London, to 'find how the city stood affected to the earl.' (Mr. Attorney here said, it was in their plot, to have had 200 ministers in the city and country, to have blazed in pulpits the sincerity of this earl's intentions.) 'Cuffe further told sir 'Henry Nevil of a buz in many men's mouths 'in London, and that there had been warning 'given to the mayor and aldermen to look to 'the city; but of 24 aldermen he doubted not 'of 20 at the least.'

Mr. *Secretary* here speaking, opened what he found had resolved the earl to so free a Confession and discovery of all things that he did. Ashton, who was his minister, and as I may term him, his confessor, was a man much desired by the earl; her majesty was willing to yield any thing that might give comfort to the earl's conscience, and be good for his soul, sent Mr. Dr. Dove, a very worthy man, to confer with him, and prepare him to a christian end. He persuading confession as the way to repentance, and amongst other sins charging the earl with this offence, his taking arms against his prince, and refusing to come upon the command of his prince; the earl answered, he thought that refusal no fault; and for instance shewed, that David refused to come to Saul in the like case, being sent for. Mr. Dove so sufficiently answered the earl in his arguments, and satisfied him in this example, how different it was from his case, and upon what ground that was, that the earl in a kind relenting and falling from defences, desired earnestly confession with his own minister Ashton; which was yielded him. Ashton, like a godly and very learned man, and one deserving much for this service, dealt so roundly and feelingly with him, as that he made the earl know that there was no salvation for him to hope for, if he dealt not clearly with his own conscience in the confessions of his sins, and high offences in this kind. His words so pierced and moved, as that to this man he disclosed the very secrets of his heart, to the purging of his soul and conscience, from the concealment of any thing he knew; and afterwards spent all the time he had to live in holy meditations, and revealing the secrets concerning the state, and discoursing of the mischief intended; and most penitently sorrowed for the accusations and imputations he had cast upon others touching the conspiring with Spain and the infant of Spain.

And being asked touching some men supposed to be confederates in the taking of the city, he said that captain Bromley, brother to sir Henry Bromley, and sir John Scot, would assist him: and that sheriff Smith, being a colonel of a thousand men, would bring them in aid of him. And confessed by the earl himself, that at such time as the earl had purposed to lay down the thought of these ambitions, and had resolved contentedness in a private life, Cuffe comes to the earl, and tells him he had indignities offered him, and his sufferance was such, as his friends said he had lost his courage with praying and hearing of sermons, and now was become a coward. Whereupon Cuffe, persuaded him to let sir Charles Davers come to him, who would let him know the mind of his friends; and after such time as the earl

come by land, and make their way to the queen's own person, and hoped to find way in the court indifferent.

The Lord-Admiral then charged sir John Davis again with the detaining of the lords in Essex-house, and his unwillingness to have let them go, though sir Ferd. Gorge came with a message, as he said, for letting them all go. And said the Lord-Admiral, the case was hard with these worthy counsellors: for by God he swore, though these counsellors had been in the house, yet being as he was, general of the forces, and sent to force the house, he must and would have battered and blown it up, though it had been the death of them as well as the rest; and had all his own sons been there, he would have done it.

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And being proposed to be city, he said sir Henry assist him and lord of a shire said of him, will that we must have we can not we be driven the thought of [illegible] Cuffe came to the earl, and he sent for Ashton, and he [illegible] praying and hearing [illegible] Cuffe's coming to the earl, and his [illegible]

had accused his confederates, being asked how he could prove the things discovered, answered, some of them have so much grace, as if I send but to them, they will confess it. Whereupon he wrote a ticket to the earl of Southampton, who upon view thereof confessed all to be true, and said my lord had the start of him; For if I had had pen and paper I had confessed these things first.

Whereupon Mr. Secretary said, that he must needs speak of a difference he found between noble and generous-minded men and others baser born: from the earls and other the gentlemen of birth and of good house, all their Confessions came freely and liberally from them without concealment or covering any thing with untruths. By Cuffe, and some others of baser sort, nothing would be confessed, but what they were convicted of, and shadowed with untruths so far as their wits could do it. The earl of Essex also in his life-time confessed to the lords, that Cuffe was a principal instigator of him; and though of these plots himself had been a principal contriver, yet sir Christ. Blunt, sir Ch. Davers and sir John Davis were privy to more dangerous and pernicious purposes than this action tended to; as might appear by their counsel given him that morning when he went into the city of London.

Caffe being willed to speak for himself, said, The matters objected against him were many, and forced against him with all force of wit: therefore for the help of his weak memory, he would reduce all unto two heads: things plotted and things acted. For the first, in them, Mr. Attorney thinks he hath concluded me in mood and figure; but my answer is, that if a man may be excused of Treason by committing nothing, I am clear: Yet the number of matters heaped upon me, and the inferences and inforcements of the same used against me to make me odious, make me seem also as a monster of many heads in this business; but since by the law all accusations are to be believed, and facts weighed, as by evidence they are proved; and things are best proved being singled; I will beseech Mr. Attorney that we may insist upon some point certain, and not as in a stream have all things at once brought upon me with violence. For my being in Essex-house the Sunday, I hope it shall be construed as in the case of others. Then if those who only had their being within the walls of that house, and no hand nor head in that action, were not Traitors; I hope that in favour and in charity you will accordingly judge of me, who spent all that day locked up in my chamber amongst my books, and never appeared unto any man till all was yielded up to my Lord-Admiral. To conclude me to be a Traitor, because I was in the house where treason was committed; by the same reason if a lion had been there locked up in a grate, he had been in case of treason. But whereas your argument, Mr. Attorney, is this, That whosoever intends treason, and the same is afterwards acted by others, there the intender as well as the actor is a traitor; but I intended treason, and others acted it; *Ergo*, Mr. Attorney, it is not your *major* that I deny, because my lords the judges have determined that; but I deny your *minor*; for if the thing intended was the going to the court, yet the thing acted was the going into London.

But Mr. Attorney taking him short upon his own confession concluded him a Traitor; for in treason the very intent is treason, if the same can be proved. Now, it is confessed by Mr. Cuffe that he intended the taking of the court, which in itself is treason.

Mr. *Cuffe* said, My lords, the matters forced upon me so amaze me, as I know not what to say; but I beseech you, even as yourselves shall be judged, judge so of me both by my words and deeds, for this is the law both of God and man: and let not the accusations of others, or arguments now forced, so far have power against me, as to take from me my just defence. I am further charged with contriving plots for restoring the earl to greatness. True, I must confess, as a servant that longed for the honour of his master, I have often wished to see his recalling to the court, and restored to her majesty's former favour; but beyond the limits of these desires my thoughts never carried me, nor aspired to other greatness than to see him again in place of a servant and worthy subject, as before he had been. And whereas I stand accused to be as one that turned the wheel which else had stood, and to be the stirrer of his mind which otherwise had settled to another course; to clear this, I had written two lines, which you Mr. Secretary, knew the earl would have subscribed, if he might have been suffered.

But Mr. Secretary affirmed he perceived no such purpose in the earl, neither remembered any such matter in that which is written.

Said Cuffe, You know, Mr. Secretary, my paper being read to the earl, as he read, he said still as he went, 'True, true.'

At the importunity of Mr. Cuffe, Mr. Secretary willed the paper should be read; but tended only unto this, That if he knew of the earl's intent to go to the court, it was with such limitations as the earl had propounded, otherwise not, for he had not suggested any of the new practices.

Mr. *Attorney* still following the matter strongly against him, told Cuffe, that he would give him a cuff that should set him down, and called to have read the earl's Confession, and some part of sir Henry Nevil's Confession which both were full plain and against him, he had not to answer them. Only to the conference with sir Henry Nevil he said, Where Mr. Attorney would make me a Mercury, and a messenger only from the earl to sir Henry herein Mr. Attorney errs, not knowing, or respecting the antient familiarity and love that for these many years space have been betwixt sir Henry Nevil and me, for the delight we took together in conference of learning, and discourses of travels and states. And whereas I am charged with devising a lye, thereby to bind sir Henry Nevil faster unto the earl; it

well known to others, the earl first sent me to sir Henry Killegrew to tell him of it, and that from him it might come to sir Henry Nevil's ear. But sir Henry Killegrew not being in town, and I afterwards meeting with sir Henry Nevil, imparted it to him; therefore desired that he might not be wronged, and wished that *juramantum cal* . . . . . might be forborn as a fault in any man. And for the speech used of 21 aldermen in London that were sure to my lord, there were some at the bar as well as he, that had heard the earl use the speech; and vouched sir Gilly Merrick, but he denied it. For the buz that was given out, he said likewise, that sir John Davis heard what my lord said of this; but sir John Davis being asked, denied the hearing of it.

And Cuffe being asked by Mr. Secretary, what he meant by having a Parliament? He answered, that it was conceived these things would work great alteration; and for settling of all things, they thought, that shortly would follow a Parliament.

Mr. Attorney said, that it was meant that Cuffe should have been Speaker of that Parliament.

And here ended the Evidence against Cuffe.

Against sir Gilly Merrick, Mr. Attorney urged first, That he was the man who fortified Essex-house against the queen's forces; and if God had not otherwise guided it, that day he had been the death of a noble person, the lord Burleigh, for he set one with a musket-shot to shoot at him, but missing the lord Burleigh, captain Lovel's horse was killed under him at Essex-gate with that shot. And the same day that the earl went, sir Gilly Merrick comes to Mr. Brown's house, being adjoining to the tennis-court, and shuts all his servants out of his house, and all that Sunday walked up and down the house, with musketeers following him. And the story of Henry 4th, being set forth in a play, and in that play, there being set forth the killing of the king upon a stage: the Friday before, sir Gilly and some others of the earl's train having an humour to see a play, they must needs have the play of Henry 4th. The players told them that was stale, they should get nothing by playing of that, but no play else would serve; and sir Gilly gives 40 shillings to Philips the player to play this, besides whatsoever he could get.—It was urged also, that the earl's purpose was to have against this time appointed men of his faction placed in all the houses near about him. To which end the confession of Arthur Smith, dwelling hard-by the tennis-court, was read; who said, that the week before, sir Gilly Merrick came to his house, and enquired who lay there. It was told him of a lodging there that was kept for sir Walter Harcourt; which being denied unto sir Gilly, he railed and reviled the good man of the house with foul words, and willed him to discharge sir Walter Harcourt of that lodging, for my lord would have his friends to lie about him. Now the men that sir Gilly would have lodged in that house, were Owen Salisbury, capt. Gwynne, and John Salisbury.

Then was read a Letter of sir Gilly Merrick writ to his brother John Merrick; the effect was to pay money to Mr. Devereux, and himself to come up to London, and captain . . . . . and captain Damnye, to come up also, and my lord would take it thankfully.

The Confession of Thomas Johnson was read, who said he saw sir Gilly all that day walk in his doublet and hose up and down the house, with muskets following him, and went down to the banqueting-house in the garden with his hat full of shot.

Sir Gilly Merrick said, his going with muskets after him, was to keep the privy-counsellors the safer from the fury of Owen Salisbury, who had sworn that if the house was forced, he would send them to go to the devil. And Johnson said, that he saw one Wever follow sir Gilly Merrick to the gate with a musket to have shot out there.

And by the Confession of one Watts, it appeared that there was a watch in the house all Saturday night, and none of the company went to bed, but for a while's rest threw themselves upon their beds in their cloaths; and that sir Gilly Merrick caused certain hogsheads to be broken up, to fortify against the tennis-court. That the earl had 100 muskets in the house, but wanted flaskets and much other furniture for them.

And here ended the Evidence against sir Gilly Merrick and the rest.

Now, Mr. Attorney General desired to have a word unto all the prisoners at the bar, and that he might not misreport, desired to have a paper read, subscribed by the hand of Mr. Ashton, Dr. Mountford and Dr. Barlow, for that it was spoken in their hearing. The earl thanked God, that he had given him a deep insight into his sins, since his justifications used at the bar then before; thanked God that his course was prevented; acknowleged that all confidence in man was vain; that he was worthily spewed out: and further, as in the earl's confession. Now to conclude, at the earl's Arraignment I used a sentence, saying, *O tempora, O mores!* according to that against Catiline, *Hic tamen vivit*; for which saying, divers have since charged me, but I will say it again; and add this to it,

Dixerat O mores, O tempora! Tullius olim,
Romanum struerat cum Catilina nefas,
O tempora dicimus, &c.
Et cur non dicimus, O mores!

Now the Jury went out to agree upon the Verdict, which after half an hour's time and more, they brought in, and found every of the five prisoners severally Guilty of High Treason. The Verdict being entered, and the Jury discharged, the queen's serjeant prayed Judgment. The Chief Justice then demanded of the prisoners, what they had to say for themselves, why Judgment should not be given against them?

Sir *Christopher Blunt* then said, My lords, for my high offence tending to Treason, in that I have risen in Rebellion against her majesty, I have nothing to say to excuse myself, or extenuate my fault. But of any intention of evil against her majesty's person, my own thoughts cannot accuse me. My deserved, but unfatal fall, I must needs impute to my over-much love to that unhappy earl. How I have followed him, how I have loved him, as being bewitched with too good an opinion of him, I now with grief feel it! But since this my too much fondness of him hath only led me into folly with him, and no other ambition, hope, or honour, I beseech your lordships, and you my Lord Admiral and Mr. Secretary especially, right me so much with your favours, as to relate truly to her majesty what my heart and words are before you this day, and let her majesty understand that it was the fair face of that earl's pretences, and my near ties unto him, I having married his mother, that carried and allured me to that I did, and no disloyalty or undutifulness of mind towards her. What the services be that I have done, and adventures made in service for her majesty, others have seen, and know what I have felt. This carcass of mine, when it shall be dissolved, will shew the marks, such was my readiness in all factions to the honour of her majesty; as when my fortune was at the best, so good as that I enjoyed 2,000*l.* a year at the least, beside other wealth by an honourable lady whom you all know I married, yet when no commands enforced me, for her majesty never commanded my going with the earl in any journey, yet voluntarily I left all to adventure with the earl in service for her majesty into Portugal, at Cales, the Islands, and in Ireland, I was with him. And although all this be nothing to weigh against this present fact, and so I have nothing of desert that may plead mercy for me, yet if her majesty, out of the abundance of her grace and mercy, shall afford me life, I doubt not but as I have done, so I may live to do; and if I live, I will be as ready as any subject the queen hath to do the service for her majesty which shall deserve my life. And this is all I wish, that since I have but a life to give unto her majesty, that I might give it to the performance of some more acceptable service rather than to this end. But if it be resolved, as I have deserved, that die I must, it is not life I care for; for a death I owe unto her majesty, and will yield it chearfully. And since the earl that gone is, whose undue course hath brought us to this due punishment, hath left a blot upon me, and so far touched me in reputation and credit, as if I had been plotter and procurer of him to more dangerous practices than these, I must needs clear myself, that neither in forcign practices, which I count confederacies with Spain, nor in domestical dealings, which I count that with Scotland, in respect of their nearness to us, I have ever had to do so far, as to allow or advise any thing to the hurt of this state. Against you, Mr. Secretary, I cannot but confess I have assented to too great wrongs, and beyond that I am worthy, it pleaseth your honour of your charitable disposition to forgive me: otherwise of the state I have never deserved evil. And for my further clearing, I desire humbly to be permitted to private conference with your honour, my Lord Admiral, and with Mr. Secretary.

Which was yielded to. And that night he was brought into the Court of Wards, after the Court rose.

Sir *Charles Davers* being demanded what he had to say, why Judgment should not be given against him, used these words: I have nothing to say in stay of Judgment, for it is but just that I be adjudged to die: only this I say, my greatest fault was to consent unto things propounded, for my intention was far from thought of hurt unto her majesty. I was never any persuader or instigator of the earl in these things; nay, till I was sent for purposely by the earl out of the country, I was a stranger to these purposes: then finding my lord of Southampton, to whom I owed my love and life itself, that he was so far engaged in the business, and desired my assistance, I yielded advice to him, and gave consent to that I now repent; for there was no reason in me to seek changes, the present being better to me than alteration could promise. Ambition I had none, for my estate was good; discontentment could not trouble me, for I had been well used: but by all this my offence was the greater, in giving offence to the queen, who had been so gracious unto me. Contrary to the resolution I came with, I have pleaded not guilty, but this grew through the error of my understanding; but to the justifying of what is found, I also confess myself guilty. And though I have no cause to hope, yet do I not despair of her majesty's mercy; and if it shall be her majesty's pleasure to shew mercy, your lordship and all here shall see, that none lives that shall better deserve life. But if her majesty's pleasure be to execute justice, I only request this with my best prayer, that I may die in her majesty's favour. And these few requests I have to make, which I recommended unto your lordships, my lord-admiral, and to your honour, Mr. Secretary, that if I must die, that I may have some time given me to settle my conscience, and resolve my soul, because hitherto my hoping having been much, my care hath been the less this way; and if it may be thought fit, I desire to have one of my servants to repair to me for ordering of some things I have to do. And lastly, that your honour, Mr. Secretary, remembering what your promise was to me, in respect of my descent and allegiance to some noble blood, you will so far grace me, as to beg the favour of her majesty, *that I may be beheaded.* And one request more, I beseech you, let me make suit to see the earl of Southampton before I die.

Sir *Christopher Blunt* upon this said, My lords, this weak, bruised head of mine made me forget that which I minded to have begged:

that in respect I have always professed arms, and been marshal of the field, a place of honour, I may have so much grace as *to be beheaded.*

My Lord-Admiral and Mr. Secretary told them both, they would remember it to the Queen.

Sir *John Davis* said, I have nothing to say, but only to appeal to mercy. I confess I have highly offended, yet if it please her majesty to extend mercy unto me, it shall not be to an unworthy servant: my former answers and discloses have not been to purchase favour, but to discover truth; and though by this I challenge no mercy, yet it intimates desert of favour. My great remorse and grief is for my poor wife's estate, to think that I being so much benefited and advanced by her, must now be the means to undo her; for I hear all her estate is seized on. Wherefore I beseech this favour, that she be not afflicted for my offence, but may enjoy what was her own.

Mr. *Secretary*, upon occasion of this speech of Davis, what he disclosed, said, Though his place did appropriate that to him to be the deliverer and restorer of requests; yet in this business nothing had been done or said by any, but three at least of the chief counsellors of state have been privy to all that passed, and I only the register of things moved unto them. And this I will say, that during all the time of the earl's restraint from the court, his letters have always had free passage to the queen, and he might write what he listed, the queen would ever read that.

Sir *Gilly Merrick*. I have little to say; but let what I have done be considered, and my offence will be found less than others: but the law hath adjudged it treason, and I must die, and not unwillingly; for the tree being fallen, the branches must not stand. I did the office of a servant as my master bade me, but it was my fault to obey what was not just in him to command. My poor estate I pray you let be considered, it may be thought better of than it is. What it is, I shall set it down, and humbly pray that my poor wife and children may be pitied.

Cuffe confessed the jury had done but right, in discharging their consciences; yet it was true that Divines held, *condemnatum eum aliquando faciunt quem dampnatum non faciunt.* The gracious proceeding afforded, and all reasonable requests yielded, emboldeneth me to make some small request: When I was restrained, I had not about me above two shillings. I had 350*l.* of ready money seized upon in my chamber. When I came into the Tower, I was put into a dark place; but afterwards Mr. Lieutenant pitying me, relieved me, and put me in a better place. Wherefore I pray to be returned unto the same prison, for there I am now provided of things necessary: otherwise perhaps I may be caring for things of this world for necessary succour of life, whenas I would now more willingly spend all my thoughts in other meditations.—[This request was granted.]—My second request is to you, Mr. Secretary, that I may have the company of some divine repairing to me for the comfort of my soul, and crucifying of my flesh, that so at my farewell to this world with joyful arms I may embrace my Saviour; and for human respects, I desire the law may be satisfied with my life, without torturing or quartering my flesh; and the rather for favour's sake unto learning, though I have neither place nor great birth to speak for that. To plead for longer or other mercy I will not; but when my body shall be executed, sorrow be unto my soul, if ever I intended evil unto her majesty's person. Alas! it was my too much love unto my master that brought me unto this; but as that earl, my master, said, now the scales were taken from his eyes, and he saw his faults; so do I, but too late; heretofore in the course of my private state, things went so smoothly with me as I could desire; my religion was always sorting to the profession at this day. Some further things I would utter, but I desire to know whether now I must speak, or that I may be allowed pen and paper to write them hereafter.

It was allowed he should have means to write what he would.

Here ended all that passed before Judgment.

The *Lord Chief Justice* of England, (sir John Popham) being now to pronounce Judgment, used these words: "I am sorry to see any so ill affected to this state as to become plotters and practisers against the state, and that so strongly as you and others in this action have done. And my grief is the more in this, men of worth, service and learning are the actors in that conspiracy! Shall it be said in the world abroad, that we Englishmen, now after forty-three years peace under so gracious and renowned a prince, are become weary of the government of such a queen, whom all the world else admires for her government? Consider it well, whosoever had best hopes in this attempt of change, what would have followed upon it? Let me tell you of the smallest hurt, the blood of children, families and friends; for none of yourselves can otherwise think but this action would have cost much blood. And I am sorry to think, that Englishmen should seem to excuse themselves by ignorance of the law, which all subjects are bound to know, and are born to have the benefit of. Some of you now at the bar are Christians; Where, I pray you, did you ever read or hear that it was lawful for the subject to command or constrain his sovereign? It is a thing against the law of God, and all nations. God forbid but that by actions men should be allowed to expound intents. Now your actions tending to a sovereignty, cannot but by yourselves be expounded Treason. But your intents, if they were otherwise, as you pretend, yet are not they to expound the law. For know this, that the law which tends principally to the preserving of the prince's person, is more tender and precise in this than in any other point.—And although

your example be pitiful, yet by this, let all men know and learn how high all actions treasonable do touch, and what they tend to. To leave off from further discourse, I should now remember one thing to you all, but I see you all careful of it; that is, the care of your souls, to keep them from death, whereof sin is the cause; and sin is not removed but by repentance, which being truly and heartily performed, then follows what the prophet David spake of, 'Blessed are they to whom God imputeth no sin!' There will be a course taken to [illegible] you how to kill sin in this world, which [illegible] wise shall not be killed in the world to [illegible] for as you leave this world, so shall it be [illegible] you in the life to come."

And then pronounced Judgment a[illegible] every of them, as in case of High-Treason

* For the Speeches of Blunt and Cu[illegible] the place of Execution, see pages 1412, 1414.

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